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ABSTRACT

This staff report updates the U.S. Commission on Civil Rights' previous assessment of percentage plans in California, Florida, and Texas and examines the pattern of racial/ethnic diversity among first-time students and graduate, law, and medical students. Staff of the U.S. Commission on Civil Rights analyzed college application, admission, and enrollment data obtained directly from official state and university sources in the three states. The critical question guiding the analysis was whether percentage plans can achieve the goal of equal educational opportunity, and the analysis indicates that they cannot. The findings of this report mirror those of the earlier report: percentage plans alone do not improve diversity by recruiting underrepresented minority groups and will only have their desired effect if affirmative action and other supplemental recruitment, admissions, and academic support programs remain in place. The report also examines federal outreach programs, such as TRIP and financial aid, that further the goal of equal educational access. To ensure equal access, states and the federal government must commit to multifaceted and inclusive admissions processes, incorporating adequate financial aid and academic support services. (Contains 32 figures and 32 tables.) (SLD)

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U.S. Commission on Civil Rights

Office for Civil Rights Evaluation

Beyond Percentage Plans:

The Challenge of Equal Opportunity in Higher Education

Staff Report

November 2002

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Beyond Percentage Plans:

The Challenge of Equal Opportunity in Higher Education

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Executive Summary

We are confronted primarily with a moral issue. It is as old as the scriptures and it is as clear as the American Constitution. The heart of the question is whether all Americans are afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated . . . This is one country.

—President John F. Kennedy
June 11, 1963

Two years before President Kennedy called for a unified America, undivided by race, he had coined the term affirmative action in the context of improving integration in federally financed work projects. In the 1970s, affirmative action broadened to apply to college admissions. Despite that affirmative action programs have significantly improved diversity on America's college campuses, there have been many legal and legislative challenges to race-based programs, particularly in recent years.

Successful challenges have limited affirmative action in the states of California, Texas, Louisiana, Mississippi, Florida, Maryland, Washington, and Georgia. The movement away from affirmative action has forced many states, colleges, and universities to reassess their admissions and financial aid programs so that they no longer focus on race, but instead use other criteria to foster diversity. The states of California, Texas, and Florida have adopted "percentage plans."

This staff report updates the U.S. Commission on Civil Rights' previous assessment of percentage plans in California, Florida, and Texas and examines the pattern of racial/ethnic diversity among first-time students and graduate, law, and medical students. Staff of the U.S. Commission on Civil Rights analyzed college application, admission, and enrollment data obtained directly from official state and university sources in the three states. The critical question guiding this analysis is: Can percentage plans achieve the goal of equal educational opportunity? Based on the analysis performed here, the answer unfortunately is no. The findings of this report mirror those of the earlier one: percentage plans alone do not improve diversity by reaching underrepresented minority groups and will only have their desired effect if affirmative action and other supplemental recruitment, admissions, and academic support programs remain in place.

This staff report also examines federal outreach programs, such as TRIO and financial aid, that further the goal of equal educational access. Even with such efforts, disturbing patterns in minority enrollment remain. To ensure equal access, states and the federal government must commit to multifaceted and inclusive admissions processes, incorporating adequate financial aid and academic support services.

Percentage Plans

The University of California

The University of California has had in place a 12.5 percent plan for admissions since 1960, both with and, later after they were abolished, without affirmative action programs. The 4 percent plan promised to admit California students ranking in the top 4 percent of graduates in each high

school, thereby expanding the eligible pool to include students who are not among the top 12.5 percent of graduates statewide. The comprehensive review implemented in fall 2002 expanded the selection criteria to include not just 10 academic criteria, but also four nonacademic ones, for example, motivation.

Outreach programs targeting minority groups also came under scrutiny in 1997–98 after the statewide race ban took effect. Thus, instead of considering race, universities began to institute programs to increase the eligibility rates of students from schools that had significant educational disadvantages and schools that produced few college-bound students. Other outreach efforts were based on geographic distribution and socioeconomic status. However, despite the UC system's increasing its spending on new outreach efforts, campus diversity did not increase. Specifically:

- The race ban of 1997 resulted in reductions in the already small proportions of African Americans, Hispanics, and Native Americans admitted and enrolled in the UC system, including both undergraduate and professional schools.
- The recent changes in admissions policies have resulted in small increases in applications and admissions from racial minorities compared to when the race ban was initially imposed. Proportionally fewer racial minorities apply or are enrolled than in 1995, when the race ban was first announced.
- In particular, the chances of admission dropped for African American, Hispanic, and Native American applicants to the Los Angeles, Berkeley, and San Diego campuses, and for the system as a whole higher admission rates did not always result in higher enrollment rates.

State of Texas

When Texas instituted an admissions "percentage plan" (HB 588) in 1998, it did so in response to the *Hopwood v. State of Texas* decision, which effectively ended affirmative action in education in the state. HB 588 was enacted and now guarantees high school graduates in the top 10 percent of their classes admission to a Texas public college or university of their choice. HB 588 also provides admissions guidelines for students not ranked in the top 10 percent of their class, instructing public universities to consider 17 other factors, including socioeconomic background and an applicant's performance on standardized tests, when determining admission.

While HB 588 offers some recourse to minority undergraduate students, it does not apply to minority graduate students. Both undergraduate and graduate minority students in Texas have been losing ground in admission to the state's flagship public institutions. This study found:

- In 1994, prior to *Hopwood*, whites made up 64 percent of the total enrollment at UT-Austin. Minorities accounted for 36 percent of the total enrollment; blacks made up 5 percent and Hispanics accounted for nearly 15 percent.
- By 1997, the rate of minority enrollment had declined to its lowest point since 1994; blacks accounted for less than 3 percent of the total enrollment at the UT-Austin and Hispanics accounted for nearly 13 percent.

- Asian Pacific Americans benefited from the 10 percent law, but the University of Texas-Austin still struggles to admit black students. African Americans constitute 12 percent of the state's population.
- Although the number of undergraduate minorities applying to the University of Texas-Austin has continued to increase since 1996, the percentage of those admitted has declined, as has the number of those who actually enroll.
  - By 2001, the number of blacks applying to UT-Austin had increased by 24 percent, but the percentage of applicants who were admitted had decreased by 19 percent. Only 38 percent of black applicants were admitted in 2001.
  - In 1996, 65 percent of Hispanic applicants were admitted. By 2001, the number of Hispanics applying to UT-Austin had increased by 20 percent but the percentage of applicants who were admitted had decreased by 15 percent.

Although graduate and professional schools are not covered under HB 588, minorities have historically been underrepresented and remain so:

- Minority enrollment rose to 17.2 percent at University of Texas School of Law in 2000–01. However, this was only a 1.1 percent increase from the previous academic year, and an overall decline of 7.5 percent from the year following *Hopwood*.
- In 2000–01, the University of Texas Medical Branch at Galveston School of Medicine enrolled 5.6 percent fewer minority students than in the 1997–98 academic year.
- Asian Pacific Americans were the only group to have experienced a steady increase in enrollment at the University of Texas Medical Branch at Galveston School of Medicine over the five-year period.

Outlawing race-conscious affirmative action programs in higher education in Texas had a negative impact on black, Hispanic, and Native American enrollment at the University of Texas-Austin. In addition, although minority admission rates have increased at some schools, they have declined overall at the premier Texas law and medical schools.

State of Florida

In November 1999 Governor Jeb Bush signed Executive Order 99-281, banning the use of race or ethnicity in university admissions decisions in Florida. In place of affirmative action in higher education, the state instituted the Talented 20 Program (T20 Program), which guarantees admission to one of Florida's 11 public institutions for students graduating in the top 20 percent of their high school class and completing a prescribed 19-unit academic high school curriculum. No provisions were made for graduate and professional admissions. The T20 Program, which became effective in 2000–01, is now one of three pathways to admission in the state university system (SUS). The other two are admission through traditional criteria, such as standardized test scores and grade point average, and profile assessment, which takes into consideration a variety of factors. The three pathways form one component of the One Florida Equity in Education Initiative, and improving poor performing schools forms the other. An assessment of the state initiative revealed:

- The T20 Program hinders black high school graduates' participation in higher education because of its reliance on class ranks. Compared with other groups, blacks have the smallest percentage of high school graduates qualifying as T20 students, at levels substantively lower than their representation among high school graduates.
- Black applicants who apply independent of T20 are also admitted to SUS at a lower rate relative to other groups.
- The ratio of black enrolled T20 first-time students to all black enrolled first-time enrolled students in SUS is the lowest compared with all other groups. This is associated with underrepresentation in higher class ranks, the beginning of the admissions process.
- Relative to their presence in SUS, Hispanic, Native American, and especially black T20 students are underrepresented at the University of Florida, the flagship campus, while Asian Pacific Americans are well represented.
- The three pathways to enrollment taken together increased the number of minority and nonminority first-time students enrolled in SUS, but failed to change the proportions of the minority groups.
- In the two post-race ban years, blacks were underrepresented among first-time students, within SUS and the most selective University of Florida and Florida State University, compared with their representation among 1999–00 high school graduates. The same underrepresentation is evident when comparing black first-time students in the pre-race ban year with the 1999–00 high school graduates. A similar situation prevails for Hispanics at the two more selective universities.
- First-time minority graduate enrollment increased substantially in SUS in 2001–02, the second year of the race ban. However, first-time black graduate admission rates declined over the two years of the race ban and have almost always remained lower than those of other groups.
- In law schools, the number of first-time minority students fluctuated in SUS and decreased steadily in the University of Florida College of Law. Furthermore, black and Hispanic law students were admitted at lower rates than whites and Asian Pacific Americans. The two new laws schools, one affiliated with Florida A&M University and the other with Florida International University, are hoped to increase black and Hispanic lawyers without using affirmative action.
- First-time minority medical students grew very slightly, but medical school admission rates are lower for blacks and Hispanics relative to those of whites and Asians.

These staff findings reveal an urgent need to go beyond the Talented 20 Program in university admissions to narrow the gap between the proportions of blacks in SUS and in the two more selective universities, *and* the comparable proportion among high school graduates. The same urgency prevails for Hispanics with regard to the two selective institutions. In the long term, the Education Initiative's second component, improving public education, is a pivotal one. Statewide initiatives must be implemented to improve the admission rates of the more vulnerable minority groups, such as blacks, to graduate, law, and medical schools.

ADMISSIONS STANDARDS AND SUCCESS PREDICTORS

Today, high school grade point average is the most widely used factor in admissions decisions, followed closely by standardized test scores, such as the SAT and ACT. The reliance on standardized tests has become controversial in recent years, with critics citing differences in the quality of education afforded students and disparities in test scores between racial/ethnic groups as reasons to discontinue their use. Research indicates:

- The gap in test scores between white and nonwhite students has widened over the years, with the average SAT scores of black, Hispanic, and American Indian students trailing those of white students by a wider margin today than 10 years ago.
- In the 2000–2001 academic year, the difference in average SAT scores between black and white test takers was 201 points out of a possible 1600. On the ACT, the difference in scores was nearly 5 points, of a possible 36.
- One study found that admissions strategies that rely on SAT scores result in a greater number of rejections of otherwise qualified minority and low-income students, as compared with strategies that rely on high school records alone.
- Test scores are also often used to determine recipients of merit awards and scholarships. Because high-income students tend to score higher, there is greater potential that these awards will be given to students who may not need them.

At the same time score gaps are widening, selectivity at four-year institutions is increasing, with higher standards (and test scores) being required of potential students, and targeted recruitment efforts are decreasing. Both trends come at the expense of minority and low-income students. The College Board announced in June 2002 that it would revamp the SAT to include an essay portion and higher levels of mathematics, leaving some educators concerned that students at less rigorous schools will be penalized once again and that average score gaps will continue to widen.

Many schools are beginning to move away from reliance on the SAT and ACT and have made efforts to take a more holistic approach to admissions, giving consideration to students' talents and extraordinary accomplishments. Others have implemented early intervention initiatives to better prepare underrepresented students for college. It is hoped that these approaches will increase diversity on college campuses absent affirmative action programs.

NATIONAL TRENDS IN COLLEGE ENROLLMENT

Over the last 25 years, it is evident that affirmative action policies significantly increased minority representation in higher education, although not necessarily at selective institutions. While it is too soon to tell whether state percentage plans will have any long-term success, it appears that minority enrollment rates are leveling off. A closer examination of college enrollment reveals:

- The gap between minority and nonminority students has narrowed since 1976, when whites accounted for more than 80 percent of college students; today whites make up 67 percent of the postsecondary student population. Non-Hispanic black students make up 12.2 percent of college enrollees, Hispanic students make up 11.5 percent, and Asian American students make up 5.2 percent.

- There is significant enrollment variation within groups, particularly among Asian Pacific Americans and Hispanics.
- Non-Hispanic white students are more likely to attend college at the traditional age of enrollment (18–23 years old). Minority students are less likely to enroll in college right after high school, and because of employment and other factors that might limit full-time attendance, are more likely to take longer to complete a course of study.
- White and Asian American students are more likely to attend four-year institutions, whereas black, American Indian/Alaska Native, and Native Hawaiian/Pacific Islander students are more likely to attend two-year institutions or vocational schools. In 1999, minorities accounted for 24.8 percent of students enrolled in four-year institutions and 33.4 percent of those enrolled in two-year institutions.
- White and Asian American students are more likely to attend the most competitive institutions, while black students are more likely to be enrolled in the least competitive institutions.

There has been a similar trend in graduate and professional school enrollment, with a marked increase in the representation of graduate students of color over the last 25 years, from 10.8 percent in 1976 to 21.3 percent in 1999. However, there are disparities that remain significant:

- At 21.3 percent of graduate students, minorities remain underrepresented. Hispanic and African American students are particularly underrepresented, making up only 5.7 and 9.3 percent of graduate students, respectively.
- In 1999–2000, minorities made up 21.6 percent of law school students and 31.5 percent of medical students.
- While it appears that minority students have reached parity in medical schools, it is because Asian/Pacific Islander students make up 17.3 percent of medical students. Black and Hispanic students are still underrepresented in both law and medicine.

Although progress has been made, disturbing trends in minority enrollment persist. Students of color remain underrepresented at the most selective undergraduate institutions, in those that offer four-year programs, and in graduate and professional schools. Clearly, equal access to education has not yet been achieved.

Facilitating Academic and Financial Access to Higher Education

Access to higher education is not only dependent on a fair and flexible admissions process, but also on adequate academic preparation and financial support. It is in these two areas that the federal government's role is most pronounced. With recent attention drawn to America's failing schools, federal intervention in the form of outreach, counseling, supplemental academic instruction, and financial support is paramount. There are federal programs in place to improve college access for low-income students. If strengthened and used in conjunction with proactive recruitment and admissions efforts, these programs can contribute significantly to increased diversity in higher education.

For example, the importance of TRIO, the federal programs designed to assist and encourage economically disadvantaged students to pursue and complete postsecondary education, is unquestionable. Without its programs, many minority and low-income students would not have had the opportunity to pursue college education. However, improvement is needed in the area of outreach and in the scope of the Department of Education's evaluation of the TRIO programs.

Rising tuition costs and the failure of federal funding to keep pace have resulted in a decline in the purchasing power of financial aid. Over the next 10 years, 4.4 million qualified students will not be able to afford a four-year college education, and 2 million will not be able to afford any college. In addition, expected family contributions have increased, resulting in an increase in the amount of student loans. Unmet needs for college funding have also increased over the years.

Despite the increased demand for need-based financial aid, several states have substituted portions of funding for merit-based programs, awarding scholarships for academic performance. An overarching concern about this trend is that these scholarships may benefit students who can already afford college. The civil rights community is similarly concerned that changes in how financial aid and merit-based scholarships are distributed have had a detrimental effect on minority and other disadvantaged students.

Budget crises precipitated by a national fiscal downturn, made worse by the terrorist attacks on the United States in September 2001, caused states to cut back appropriations for higher education. Declining interest rates during budget crises also cut returns on college endowments. Making matters worse, private giving declined. To compensate for revenue loss, colleges and universities have further raised tuition, increased mandatory fees, imposed new fees, charged new first-time students higher tuition than returning students, tightened residency requirements, and raised admission and financial aid requirements to curtail enrollment. These actions further diminish access for the economically disadvantaged and minority students. Families with college-bound dependents and/or dependents in college as well as financially independent individuals attending college are similarly affected. As a result of the fiscal downturn, these families and individuals may suffer declining incomes, investment loss, and sudden layoffs, all of which negatively affect college access and affordability.

CONCLUSION

As affirmative action comes increasingly under fire, and if percentage plans grow in popularity, it is inevitable that the numbers, and subsequently proportions, of minority students pursuing higher education will decrease. Though affirmative action programs were not perfect, this analysis reveals that in each of the three states that have replaced them with percentage plans, minority students are faring the same or worse. The staff analysis found numerous other drawbacks to overreliance on percentage plans. Thus, if percentage plans as they are currently administered remain a part of the higher education landscape, they must be supplemented with proactive recruitment, outreach, and academic support programs.

This is not to suggest that existing percentage plans are entirely without merit, but they are simply not enough. A model plan would include the outreach innovations of the University of California system, the focus on improving K–12 education as Florida's plan does, and the school choice built into Texas' plan. The alternatives to top-percent admissions that are built into each

state's plan (i.e., comprehensive review, profile assessment, and supplemental criteria) should be commended. Additionally, states must broaden the use of holistic admissions standards that allow participation by students who have unrealized potential.

State governments must take this review even further and perform regular, thorough examinations of these programs and closely study admission and enrollment rates at all schools. The federal government must make TRIO and financial aid programs accessible to all who are eligible for them. The administration, Congress, and those in the education field must work together proactively to guarantee all Americans equal access to higher education.

CHAPTER 1

The Struggle to Achieve Diversity in Higher Education: Setting the Stage for Percentage Plans

INTRODUCTION

The U.S. Commission on Civil Rights has throughout its history been concerned about college admissions policies and has sought to further those that provide all members of society equal access to higher education.[1] In April 2000, the Commission released *Toward an Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?* In it, the Commission examined the use of high school class ranks as a means of increasing the presence of minorities in public higher education in the states of California, Florida, and Texas. Currently, each of those states has in place what is generally referred to as a "percentage plan."[2] With some variation in procedures between the states, these percentage plans guarantee first-time college applicants who have graduated within a predetermined percentage of their high school class rank automatic admission into their resident state schools.

After a thorough review, the Commission concluded in 2000 that percentage plans had significant flaws and failed to create diversity in undergraduate education. The premise of the plans—that automatic admission of high school students ranked at the tops of their classes will result in racially diverse college populations—is contingent upon continued racial segregation of the nation's high schools. The Commission further found that the percentage plans made no provision for professional or graduate education and recommended such plans be used in conjunction with affirmative action.[3]

This staff report updates and expands upon the Commission's previous assessment of percentage plans in California, Florida, and Texas and examines the pattern of racial/ethnic diversity among first-time students and graduate, law, and medical students. The critical question guiding this analysis is: Can percentage plans alone achieve the goal of equal educational opportunity? The findings of this staff report mirror those of the Commission's earlier one: percentage plans as they are currently administered do not improve diversity and must be implemented in conjunction with affirmative action and other supplemental recruitment, admissions, and academic sup-

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[1] *See* U.S. Commission on Civil Rights, *Toward an Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?* April 2000 (hereafter cited as USCCR, *Toward an Understanding of Percentage Plans*) for the Commission's examination of this topic.

[2] Other states that have considered some form of a percentage plan include Pennsylvania and Colorado. Pennsylvania has since abandoned its plan, while Colorado's plan has been tabled since June 26, 2000. *See* American Council on Education, "Percentage Plans for College Admissions," issue brief, January 2001, <http://www.acenet.edu/resources/reports/percentage-plans.pdf>; *see also* Automatic Admission Act of 2000, S.B. 59, 62nd Gen. Assem., 2d Reg. Sess. (Colo. 2000).

[3] USCCR, *Toward an Understanding of Percentage Plans*.

port programs. The ideal percentage plan program would include targeted outreach, institutional choice, and an emphasis on improving public elementary and secondary education.

To assess access to higher education beyond percentage plans and affirmative action, this report also examines other gatekeepers, such as the admissions process, financial resources, and college preparation. While there are programs in place to assist students in overcoming these barriers, such as the federal TRIO outreach programs and financial aid, disturbing patterns in minority enrollment remain. States and the federal government must commit to a multifaceted and inclusive admissions process, incorporating adequate financial aid and academic support services, if a college education is to be available to all members of society.

METHODOLOGY

Commission staff obtained application, admissions, and enrollment data on first-time students and graduate, law, and medical students for different racial groups from the Office of the President of the University of California; Information Resources Department of the Texas Higher Education Coordinating Board; and Office of Research and Policy Analysis of the Florida Board of Education. In some instances, staff contacted state and university officials to request supplemental materials. Staff also obtained pertinent data and documents from various official sources on the Internet. Staff then performed analyses drawing on this array of information. On several occasions, staff interviewed federal, state, and university officials to seek clarification as the report progressed. Finally, for the purpose of this study, the staff established that a first-time student is an entering freshman who has never formally attended any college. The terms "freshman" and "first-time student" are used interchangeably depending on the terminology used in the source data.[4]

PROMOTING DIVERSITY THROUGH AFFIRMATIVE ACTION

Throughout most of the 20th century, long-established discriminatory admissions policies at the nation's universities prevented minority individuals from completing their education or even attending the institution that would best prepare them academically for their desired career.[5] Not until 1950 was the University of Texas School of Law forced to admit African Americans, and it did so as a result of the Supreme Court's decision in *Sweatt v. Painter*.[6] More than a decade passed before prospects began improving for minority individuals who had the goal of attending college, an improvement that can be largely attributed to the establishment of affirmative action programs.

When President John F. Kennedy first used the term affirmative action in 1961 he did so in reference to increasing the racial integration of workforces employed in federally financed pro-

[4] The term includes students enrolled in the fall term who attended college for the first time in the prior summer term and also includes students who entered with advanced standing (college credits earned before graduation from high school). *See* U.S. Department of Education, *Integrated Postsecondary Education Data System, Glossary*, September 1995, p. 12.

[5] *See* the Civil Rights Project, Harvard University, "Civil Rights Alert, The Struggle to Keep College Doors Open," n.d., <http://www.law.harvard.edu/civilrights/alerts/access.html> (hereafter cited as the Civil Rights Project, "The Struggle to Keep College Doors Open").

[6] Sweatt v. Painter, 339 U.S. 629 (1950).

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jects.[7] The political and social movements of the 1960s further eroded the color barrier and granted minorities greater access to higher education.[8] However, it was not until the 1970s that affirmative action found its place in college admissions policies, and substantively redressed the entrenched discrimination against racial and ethnic minorities and women in the admissions process. Admissions policies were amended to consider gender and minority status as assets and not, as had been done in earlier periods, liabilities to gaining college admission.[9] From this period on, affirmative action increased minority access to the nation's colleges and universities.[10]

Since its earliest days, however, affirmative action has been controversial, and many judicial and legislative attempts have been made to dismantle it. These attempts have limited the scope of acceptable practices, particularly in higher education admissions. Supporters of affirmative action argue that it is a necessary policy, having as its purpose undoing historical discrimination. Diversity in the workplace and educational environment is critical to the social, economic, and political success of America's increasingly multicultural society. Supporters also argue that considerations of race, ethnicity, and gender help level the playing field for women and persons of color who do not have equal opportunities to achieve higher education.[11] Opponents of affirmative action argue that such policies result in dual standards for minorities and nonminorities, with lower standards for minority students. They suggest that the goal of multicultural and gender diversity and fairness is misplaced and that educational access should be based solely on merit, not color or ethnicity. They further argue that admitting less qualified students to more challenging institutions sets them up to fail because they are not academically prepared.[12]

During the period prior to the retreat from affirmative action on college campuses, minorities had increased their enrollment at postsecondary institutions, if not necessarily at prestigious universities in proportion to their population numbers, owing to race-conscious admissions policies. In 1965, less than 5 percent of 18- to 24-year-old college students were African American. Today, African Americans make up roughly 12 percent of undergraduate students.[13] The affirmative action measures of the 1960s and 1970s are credited with steadily increasing the college enrollment rates of people of color.[14] However, recent challenges to the use of race or gender and other fac-

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[7] Paul Finkelman, "Affirmative Action," *Encarta Online Deluxe*, July 22, 2002, <http://encarta.msn.com/find/print.asp?&pg=8&ti=761580666&sc=0&pt=1>.

[8] The Civil Rights Project, "The Struggle to Keep College Doors Open."

[9] U.S. Department of Education, National Center for Education Statistics, *Reconceptualizing Access in Postsecondary Education, Report of the Policy Panel on Access*, August 1998, p. 5 (hereafter cited as NCES, *Reconceptualizing Access in Postsecondary Education*).

[10] The Civil Rights Project, "The Struggle to Keep College Doors Open."

[11] *See, e.g.*, American Council on Education, "Making the Case for Affirmative Action in Higher Education: What the Research Shows," <http://www.acenet.edu/bookstore/descriptions/making_the_case/works/research.cfm>; The Civil Rights Project, "The Struggle to Keep College Doors Open."

[12] *See, e.g.*, Walter Williams, "Affirmative Action Can't Be Mended," *Cato Journal*, Dec. 15, 1997, <http://www.cato.org/dailys/12-15-97.htm>; Curt A. Levy, "Diversity on Trial," *National Review On-Line*, June 11, 2001, <http://www.cir-usa.org/articles/levey_profiling_nro.html>; Michael S. Greve, "The Demise of Race-Based Admissions Policies," *Chronicle of Higher Education*, Mar. 19, 1999, pp. B6–B8.

[13] U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001*, ch. 3, table 207.

[14] American Council on Education, "Legal Developments Related to Affirmative Action in Higher Education: An Update for College and University Presidents, Trustees, and Administrators," June 1999.

tors in college admissions likely will "erode the gains that women and minority group members have made in postsecondary education thus far."[15] While Supreme Court precedent supports the limited use of affirmative action, the judicial landscape is changing rapidly.

Legal and Legislative Challenges to Affirmative Action

In 1978, the Supreme Court's ruling in *Regents of the University of California v. Bakke* buttressed affirmative action in admissions policies by establishing that race could be one factor considered in admissions decisions for the purpose of promoting diversity in higher education.[16] Although this decision upheld the constitutionality of affirmative action, it also stipulated that race could not be the sole arbiter in determining admissions.[17] Despite the consideration of race in the admissions process, by the 1980s it was evident that minorities and women were more commonly admitted to less prestigious institutions. That is, affirmative action had done little to open the doors of top-tier universities for most minority group members and women.[18] This situation remained largely unchanged at the close of the millennium for many minority groups, especially African Americans.[19] Nonetheless, vocal opponents of racial and gender preferences continued to challenge the necessity of affirmative action.

The mid-1990s brought organized efforts against admissions policies that strove for equal access through affirmative action. Among these was admissions policy SP-1, adopted in California in 1995, which ended the use of race as a factor in admissions to the University of California.[20] Although this policy was formally rescinded in 2001, California voters had passed Proposition 209 in 1996, which ended all forms of affirmative action in the state, rendering SP-1 superfluous.[21] One educator at the University of California stated that the elimination of affirmative action in the state university system "severely intensified problems of inequality in access to postsecondary and professional education."[22] He noted that the numbers of black, Hispanic, and Native American students in the system have since decreased and that the system has begun to segregate into more and less elite campuses, with white and Asian Pacific American students enrolling in the former.

In 1996, the same year Proposition 209 passed in California, the University of Texas School of Law lost a challenge against its admissions policies. The Fifth Circuit ruling in *Hopwood v. State of Texas*,[23] which applies to Texas, Louisiana, and Mississippi, prohibits the use of race or eth-

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[15] NCES, *Reconceptualizing Access in Postsecondary Education*, p. 6.

[16] Regents of the University of California v. Bakke, 438 U.S. 265 (1978).

[17] Finkelman, "Affirmative Action"; Roger Clegg, vice president and general counsel, Center for Equal Opportunity, "Not a Close Question: Preferences in University Admissions," testimony before the United States Commission on Civil Rights, May 14, 1999, <http://www.ceousa.org/html/close.html>.

[18] NCES, *Reconceptualizing Access in Postsecondary Education*, p. 6.

[19] Ibid.; Goodwin Liu, "The Myth and Math of Affirmative Action," *Washington Post*, Apr. 14, 2002, p. B1. *See* discussion on national trends in enrollment, chap. 4.

[20] University of California, Office of the President, "Current Policies," Jan. 10, 2002, <wysiwyg://52/http://ucop.edu/regents/policies/sp1.html>. The policy was rescinded on May 16, 2001.

[21] American Civil Rights Institute, "California's Proposition 209," 1997, <http://www.acri.org/209/209text.html>.

[22] Eugene E. Garcia, dean, Graduate School of Education, University of California at Berkeley, "The Elimination of Affirmative Action: California's Degraded Educational System," *La Raza Law Journal*, vol. 12 (Fall 2001), p. 373.

[23] Hopwood v. State of Texas, 78 F.3rd 932, 962 (5th Cir. 1996), is discussed later in this report.

nicity as an admissions criterion or in the recruitment, provision of financial assistance, or retention of college students.[24] The *Hopwood* decision, although applicable to only three states, has had broader implications for colleges and universities across the country, as it raised the question of whether the promotion of diversity is a compelling interest that justifies taking race into account in all university admissions decisions.[25] However, the Supreme Court declined to review the circuit court decision, and it therefore applies only to the states in the circuit.

An initiative similar to California's Proposition 209, Initiative 200 (I-200), was passed by voters in the state of Washington in November 1998. Unlike the California proposition, I-200 was not a constitutional amendment, therefore it is uncertain whether the law will supercede existing state and local laws that allow the use of race in employment and contracting decisions.[26] Nonetheless, after the passage of I-200, the University of Washington eliminated the consideration of race, ethnicity, and gender in admissions. It is estimated that this decision resulted in an immediate 15 percent decline in African American and Hispanic student enrollment at both the undergraduate and graduate levels. A year prior to I-200, four white applicants who had been denied admission filed suit against the University of Washington School of Law challenging its use of race in the admissions process. Although provisions in I-200 rendered certain claims in the case moot, the district court ruled that *Bakke*, which allowed the consideration of race and gender, was still good law. In December 2000, the Ninth Circuit Court of Appeals upheld the district court's decision and reiterated that educational diversity is a compelling government interest.[27] The Supreme Court subsequently declined to review this case as well.[28]

Inspired by the initiatives in California and Washington, Florida Governor Jeb Bush signed an executive order in November 1999, the One Florida Initiative, eliminating race and ethnicity as an admissions factor in the state university system.[29] According to the plan, minority representation in the state's universities was adequate, therefore race- and ethnic-based admissions policies could be replaced with achievement-based policies, "while still improving and enhancing the diversity" of the system.[30] This staff review reveals that this assertion has not held true. In fact, the proportions of minority first-time students enrolled in the state system did not increase, particularly African American students.

In August 2001, the U.S. Court of Appeals for the 11th Circuit determined that the admissions policy of the University of Georgia was unconstitutional because it gave a fixed preference to

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[24] Texas Higher Education Coordination Board, "Report on the Effects of *Hopwood* on Minority Applications, Offers, and Enrollment at Public Institutions of Higher Education in Texas," 1998, <http://www.thecb.state.tx.us/cfbin/ArchFetch.cfm?DocID=16&Format=HTML>.

[25] American Council on Education, "Making the Case for Affirmative Action in Higher Education," <http://www.acenet.edu/bookstore/descriptions/making_the_case/threats/index.cfm>.

[26] Ibid.

[27] Smith v. University of Washington Law School, 233 F.3d 1188 (9th Cir. 2000).

[28] Smith, *cert. denied*, 532 1051 (2001).

[29] Office of the Governor, State of Florida, "Announcement of the One Florida Initiative," 2000–2001, <http://www.myflorida.com/myflorida/government/governorinitiatives/one_announcementInitiative.html>. *See* detailed discussion of the One Florida Initiative in chap. 2.

[30] Jeb Bush, governor, State of Florida, Equity in Education Plan, November 1999, <http://www.myflorida.com/myflorida/government/governmentinitiative.on.florida/documents/educationplan.edu>.

nonwhite applicants.[31] In rendering its decision, the appellate court called into question whether the *Bakke* ruling provided justification for the use of race in admissions decisions.

In May 2002, in the case of *Grutter v. Bollinger,* the U.S. Court of Appeals for the Sixth Circuit upheld the University of Michigan's law school admissions policy, citing *Bakke* as the law of the land and opening the door for the Supreme Court to rule on the issue of affirmative action.[32] The appellate court, in its 5–4 decision, stated that colleges may consider race in admissions as a way to enroll a sufficient number of minority students and found diversity to be a compelling state interest. Another pending suit, *Gratz v. Bollinger*, challenges the University of Michigan's undergraduate admissions policy.[33] A federal judge ruled in favor of the university, but that ruling is currently being reviewed by the court of appeals. On October 1, 2002, the plaintiffs in the case filed a petition asking the Supreme Court to review the case even though the appellate court has not yet ruled.[34] Legal commentators speculate that the Supreme Court will review the *Grutter* case, and now possibly the *Gratz* case, in its 2002–2003 session, but in the meantime, institutions outside the Fifth Circuit continue to have the flexibility to use race as one of many factors in determining admissions, as outlined by the *Bakke* decision.

"Softer" Affirmative Action Programs

Often the discussion around affirmative action programs focuses on admissions criteria and decisions. It is noteworthy, however, that many states have other initiatives in place to recruit, enroll, and matriculate minority students. A broader definition of affirmative action includes initiatives such as outreach to low-income, inner-city, and high-minority populations, recruitment of underrepresented groups, and targeted scholarships and financial aid. While these "soft" forms of affirmative action remain more widely accepted and are less susceptible to legal challenges than are revised admissions policies, they have not been immune to scrutiny.

Specifically, questions have arisen about the legality of race-specific financial aid. In the 1970s and 1980s, the Department of Education (DOEd) authorized colleges to take race into account to a greater degree in awarding student aid than in admissions, if the minority-targeted aid was a small proportion of total student aid funds.[35] In 1994, DOEd again endorsed "appropriately-crafted minority-targeted" financial aid, but the U.S. Court of Appeals for the Fourth Circuit had a different opinion.[36] In *Podberesky v. Kirwan*, the court ruled that a University of Maryland scholarship program for African American undergraduates, which the school adopted in response to a DOEd finding that it had historically discriminated, was not narrowly tailored to overcome

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[31] Johnson v. Board of Regents, 263 F.3d 1234 (11th Cir. 2001). *See also* Erik Lords, "Affirmative Action Issue in College Admissions Grows Murkier," *Black Issues in Higher Education*, Sept. 27, 2001, p. 10 (hereafter cited as Lords, "Affirmative Action Issue Grows Murkier").

[32] Grutter v. Bollinger, 288 F.3d 732 (6th Cir. 2002).

[33] Gratz v. Bollinger, 135 F. Supp. 2d 790 (E.D. Mich. 2001).

[34] Jodi Wilgoren, "Justices Asked to Rule Early on University Admissions," *New York Times*, Oct. 1, 2002, p. A28.

[35] American Council on Education, "Legal Developments Related to Affirmative Action in Higher Education: An Update for College and University Presidents, Trustees, and Administrators," June 1999, <http://www.acenet.edu> (hereafter cited as ACE, "Legal Developments Related to Affirmative Action").

[36] ACE, "Legal Developments Related to Affirmative Action."

minority underrepresentation.[37] The court held that the school failed to demonstrate that there were continuing effects of past discrimination that would warrant such a scholarship.[38] In anticipation of challenges to any form of affirmative action, in August 2001, the University of Florida announced it would no longer award scholarships based on race.[39] More than 50 race-based scholarships available at the school were recast to become race neutral.

Table 1.1
Affirmative Action Timeline

March 1961	The concept of "affirmative action" was initiated in Executive Order 10925 signed by President John F. Kennedy in an attempt to increase racial integration in federally financed workforces.
September 1965	President Lyndon Johnson enforced affirmative action through Executive Order 11246, which required government contractors to consider prospective minority employees in all aspects of hiring and employment.
June 1978	Supreme Court ruling in *Regents of the University of California v. Bakke* established that race could be one factor considered in admissions decisions for the purpose of promoting diversity in higher education.
October 1994	In *Podberesky v. Kirwan*, the Fourth Circuit Court of Appeals ruled that a University of Maryland scholarship for African American undergraduate students was not narrowly tailored to overcome minority underrepresentation or historical discrimination. The school was required to broaden the scholarship's eligibility, despite the fact that the Department of Education had previously endorsed "appropriately-crafted minority-targeted" financial aid.
July 1995	SP-1 was adopted in California and ended the use of race in admissions to the University of California system. This policy was formally rescinded in 2001, but its underlying tenet remained.
March 1996	*Hopwood v. State of Texas* was upheld by the Fifth Circuit Court of Appeals. The ruling, which applies to Texas, Louisiana, and Mississippi, prohibits the use of race or ethnicity as an admissions criterion or in the recruitment, provision of financial assistance, or retention of college students.
November 1997	California voters passed Proposition 209, which ended all forms of affirmative action in the state and rendered SP-1 superfluous.
December 1998	Voters in the state of Washington passed Initiative 200. Although questions remain about the initiative's scope, the University of Washington eliminated the consideration of race, ethnicity, and gender in admissions.
November 1999	The One Florida Initiative was signed into law by the governor of the state. Race- and ethnic-based admissions policies were replaced with achievement-based policies.
August 2001	The U.S. Court of Appeals for the 11th Circuit determined in *Johnson v. Board of Regents* that the admissions policy at the University of Georgia was unconstitutional because it gave a slight preference to nonwhite applicants.
August 2001	In anticipation of legal challenges, the University of Florida eliminated all race-based scholarships.

[37] Podberesky v. Kirwan, 38 F.3d 147 (4th Cir. 1994). *Rehearing en banc denied, with correction*, 46 F.3d 5 (1994), *cert. denied*, 514 U.S. 1128 (1995).

[38] Podberesky v. Kirwan, 38 F.3d 147 (4th Cir. 1994); ACE, "Legal Developments Related to Affirmative Action."

[39] Lords, "Affirmative Action Grows Murkier," p. 10.

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Table 1.1 (continued)

May 2002	The U.S. Court of Appeals for the Sixth Circuit approved the University of Michigan's law school admissions policy in *Grutter v. Bollinger*, allowing the consideration of race and upholding the *Bakke* decision. A case challenging the university's undergraduate admissions policy (*Gratz v. Bollinger*) is also under review by the appellate court, after a federal judge ruled that the use of race in admissions was constitutional.

With these legal and legislative challenges percolating up through the courts and statehouses across the country, and because the Supreme Court has yet to revisit its decision in *Bakke*, the legal uncertainty of affirmative action has led schools to reassess admissions standards and seek new methods for achieving diversity apart from using race as a factor. For example, in 2000 Rutgers Law School in Newark, New Jersey, created a new admissions policy that does not consider race as an isolated factor. Instead, the school recruits students based on non-race factors, such as overcoming economic and educational disadvantages.[40] All applicants to the law school have the option of applying under one of two admissions standards. Applicants can choose to be considered (1) mainly on test scores and grades, or (2) on the basis of education and employment experiences, personal and academic accomplishments, socioeconomic background, family circumstances, and potential contributions to the diversity of the school.[41] Other schools, some of which are mentioned in this report, also now take into consideration educational experiences and life situations in the admissions process.[42]

Finally, and most importantly for this review, localized movements away from affirmative action have resulted in the adoption of percentage plans in three states—California, Texas, and Florida. Are they effectively providing equal access to education? The following is a detailed assessment of the effects of percentage plans on college diversity.

[40] Saverio Cereste, "Minority Inclusion Without Race-Based Affirmative Action: An Embodiment of Justice Powell's Vision," *New York Law School Journal of Human Rights*, vol. 18 (Spring 2002), p. 205.

[41] Ibid., p. 225.

[42] *See* discussion on admissions standards, chap. 3.

CHAPTER 2

Percentage Plans

UNIVERSITY OF CALIFORNIA

Overview

When the Commission issued its April 2000 statement on percentage plans,[1] the University of California (UC) had had a ban on the use of race for determining first-time student admissions for almost two years. A percentage plan for admitting first-time students to the university had been in place for decades, but it had been accompanied by affirmative action programs intended to augment minority representation in the student body. The affirmative action programs were abandoned when the use of race was prohibited, and the university began seeking other means, including modifications to the percentage plan and increased outreach, to ensure diversity among students.

Civil rights advocates have urged state university systems to establish percentage plans only along with the continued use of affirmative action. The Commission's statement in 2000 criticized UC admissions policies because declines in enrollment of black, Hispanic, and American Indian students, both undergraduates and first-time law students, had occurred following implementation of the race ban, particularly at the premiere Berkeley and Los Angeles campuses.[2] Other concerns about the University of California were that African American and Latino and Filipino American applicants were denied admission by the following: eligibility requirements for courses that were less accessible in the high schools these students attend; an undue and unjustified reliance on standardized test scores and judgments made based on educationally insignificant differences in tests scores; disparities in grade point averages that special considerations did not mitigate; and an unvalidated admissions process that did not adopt alternative criteria with less disparate impact on minority applicants.[3]

The section below explains UC's various admissions policies and is followed by an analysis showing the dwindling numbers of Hispanic, African American, and Native American students in the UC system using applicant, admissions, and enrollment data from 1995 to the present. Enrollment data for the current 2002–2003 academic year were not available at the time this report was prepared.

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[1] U.S. Commission on Civil Rights, *Toward an Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?* April 2000 (hereafter cited as USCCR, *Toward an Understanding of Percentage Plans*).

[2] USCCR, *Toward an Understanding of Percentage Plans*, pp. 6–7.

[3] Ibid., pp. 7–8, *citing* Rios et al. v. Regents of Univ. Cal., No. C 99-0525 SI (N.D. Cal. Mar. 24, 1998).

Admissions Policies

The University of California consists of eight campuses—Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, Santa Barbara, and Santa Cruz—with a growing population of upward of 25,000 first-time students (see table 2.1).[4] Its admissions policies are established by a Board of Regents. Numerous policies have been in effect both before and since a ban on the use of race in admissions was imposed. Table 2.2 shows a timeline for when key decisions about admissions were made and the policies implemented.

Table 2.1
The University of California System

	Undergraduate	Graduate	Professional Schools		
			Medical	Law	Business
Institutions in the University of California (UC) System					
UC Berkeley	X	X		X	X
UC Davis	X	X	X	X	X
UC Irvine	X	X	X		X
UC Los Angeles	X	X	X	X	X
UC Riverside	X	X			X
UC San Diego	X	X	X		
UC Santa Barbara	X	X			
UC Santa Cruz	X	X			
UC Merced	——opens 2004——				
UC San Francisco		X	X		
Hastings School of Law				X	
Institutions subject to ...					
... the 12.5 percent plan	All	None	None	None	None
... UC Board of Regents' governance	All	All	All	All except Hastings	All
... race ban (Propostion 209)	All	All	All	All	All
Institutions in this analysis	All	None	All	All except Hastings	None
Reasons for excluding schools from the analysis					
Hastings School of Law, although affiliated with UC, is independently governed and does not fall under the UC Board of Regents' admissions policies.					

The 12.5 Percent Plan With and Without Affirmative Action

As early as 1960, the UC Board of Regents and the California State Board of Education approved the California Master Plan for Higher Education. The plan established the principle of universal access and choice and established a three-tier system with the University of California as the state's primary academic research institution providing undergraduate, graduate, and professional education. The plan identified college admissions pools for each tier. UC was designated the most selective. It was to admit California residents in the top 12.5 percent of high school graduates. Applicants who met the 12.5 percent requirement would be offered a place

[4] The University of California also includes campuses at Merced and San Francisco. The Merced campus is new and will open in fall 2004. The San Francisco campus is a graduate health sciences university. *See* table 2.1 and University of California, Merced, "A University for Our Future," <www.ucmerced.edu/about_merced/>; University of California, San Francisco, "Academics," <www.ucsf.edu/academics/index.html>.

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somewhere in the UC system, though not necessarily at the campus or in the major of first choice.[5]

The Master Plan broadly confines admissions, but allows the University of California campuses to vary criteria within constraints.[6] The UC system has 14 selection criteria, 10 of which are academic, such as standardized test scores, completion of college preparatory curricula, and minimum grade point averages. The other four selection criteria are supplemental, having to do with special talents, life experiences, and geographic diversity. Campus differences in the use of selection criteria account for whether or not applicants are admitted to their first choice among schools.[7] Furthermore, given the criteria and other constraints, only 11.1 percent of high school graduates statewide were eligible for admission in recent years, not the 12.5 percent the Master Plan stated as a goal.[8]

The California Master Plan for Higher Education has been reviewed numerous times over the decades and has undergone minor modifications in response to some of those reviews.[9] Ethnic, gender, and economic diversity issues were raised in reviews of the plan in the early 1970s and again in the late 1980s. The 1970s reviews sought to ensure access for all eligible students and to expand the use of "non-traditional" criteria for admitting larger proportions of the student body. UC was urged to approximate the general ethnic, gender, and economic composition of recent California high school graduates. This goal was reiterated again in a 1989 review with a directive that governing boards determine policies and programs that increase the access of underrepresented students to first-time admission and college successes. The need for innovative outreach programs was stressed.[10]

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[5] The other tiers include California State University, which provides undergraduate and graduate education through the master's degree, emphasizing "applied" fields and teacher education; and the California community colleges, which provide academic and vocational instruction, remedial instruction, English as a second language courses, community service courses, and workforce training services. The Master Plan also establishes admissions pools for these schools. The California State University is to select from among the top one-third of the high school graduating class. California community colleges admit any student capable of benefiting from instruction. University of California, Office of the President, "Major Features of the California Master Plan for Higher Education," <www.ucop.edu/acadinit/mastplan/mpsummary.htm>.

[6] Joint Committee for Review of the Master Plan for Higher Education, "California Faces . . . California's Future: Education for Citizenship in a Multicultural Democracy," Final Report of the Joint Committee for Review of the Master Plan for Higher Education, March 1989, p. 6 (hereafter cited as Joint Committee for Review, "California Faces").

[7] University of California, Office of Strategic Communications, "Facts About the University of California: Comprehensive Review," November 2001.

[8] Saul Geiser, University of California, Office of the President, Student Academic Services, *Redefining UC's Eligibility Pool to Include a Percentage of Students From Each High School,* March 1998, p. 11.

[9] University of California, Board of Regents, "The History of the California Master Plan for Higher Education," <www.sunsite.berkeley.edu/UCHistory/archives_exhibits/masterplan/post1960.html>.

[10] *See* ibid.; Joint Committee for Review, "California Faces," pp. 1–4.

Table 2.2
Timeline for Events Affecting University of California Admissions

1960	The UC Board of Regents and the California State Board of Education approved the California Master Plan for Higher Education, which was implemented through legislation. The plan established the principle of universal access and choice and specified college admissions pools such that UC was to select from among California residents in the top one-eighth (12.5 percent) of high school graduating classes. Applicants would be offered a place somewhere in the UC system, though not necessarily at the campus or in the major of first choice.
July 20, 1995	UC Board of Regents approved an admissions policy prohibiting all schools in the UC system from using "race, religion, sex, color, ethnicity, or national origin as criteria for admission to the university or to any program of study." The policy included a statement that the university would admit no less than 50 percent and no more than 75 percent of applicants on academic criteria alone.
July 1996	UC's Office of the President issued a policy on undergraduate admissions, "admission by exception," which stated that starting with the spring 1998 quarter, up to 6 percent of newly enrolled freshmen, including up to 4 percent drawn from disadvantaged students, would be admitted by exception to the university's eligibility requirements. Such students must demonstrate a reasonable potential for success at the university.
Nov. 6, 1996	California voters approved Proposition 209, prohibiting any state body from using race, ethnicity, or gender as criteria for hiring or admission.
Aug. 28, 1997	California's Proposition 209 went into effect.
Fall 1997	The university's race ban took effect for beginning classes of graduate students.
Nov. 3, 1997	U.S. Supreme Court denied further appeal of California's Proposition 209.
Spring 1998	Current Admissions by Exception program implemented.
Fall 1998	The university's race ban took effect for beginning classes of undergraduates.
Mar. 18, 1999	4 percent plan proposed to take effect starting in fall 2001.
May 16, 2001	UC Board of Regents rescinded its policy banning racial preferences, although the voter-approved Proposition 209 still prohibited them. New admissions policies would take effect in fall 2002.
July 19, 2001	UC Board of Regents approved a "dual admissions" program to take effect for applicants for fall 2003 admission. In addition to the top 4 percent of each California high school's graduates, the "dual admissions" program will allow an additional 8.5 percent to be given admission somewhere in the UC system, provided the students successfully complete first-year and sophomore requirements at a community college. The transfer path will be streamlined.
Fall 2001	The 4 percent plan took effect, guaranteeing admission to some UC campus; Irvine campus guaranteed admission to top 4 percent at its campus.
Nov. 15, 2001	UC Board of Regents approved a comprehensive review process to evaluate and admit applicants to UC campuses, beginning fall 2002, using multiple measures of achievement and promise and considering the context in which each student has demonstrated academic accomplishment.
May 7, 2002	A new draft Master Plan for Education in California was released for comment and redrafting, anticipating that a final plan will be adopted before the end of September 2002.
Fall 2002	First students admitted to UC under the comprehensive review process will be enrolled.
Sept. 9. 2002	The California legislature's Joint Committee to Develop a Master Plan for Education released its final report for a new *California Master Plan for Education*, addressing pre-kindergarten through adult education, and began pursuing the changes in legislation and regulations needed to implement its recommendations.
Fall 2003	The "dual admissions" plan will take effect.

The state-imposed Master Plan, with its requirement for UC to admit the top 12.5 percent of high school graduates, remains in place today. A new Master Plan for Education, released September 9, 2002, maintains the 12.5 percent admissions policy.[11] What has changed about the plan over the decades is emphasis on affirmative action. This emphasis grew in the 1970s and 1980s, with the incorporation of outreach to minority students intended to increase enrollment of underrepresented groups, and was then abandoned after race bans were imposed in the late 1990s.[12] The UC system's selection criteria appear to have changed in relatively minor ways over the years.[13] However, the 2002 Master Plan recommends placing less weight on honors and advanced placement courses and considering both objective and qualitative personal characteristics of applicants equally in the admissions process.[14]

Admission by Exception

Concurrent with other admissions plans, UC has had a policy to admit a small proportion of students who did not meet the eligibility requirements but demonstrated reasonable potential for success. Enrolling students who are otherwise fully eligible and admissible but who have course deficiencies due to the unavailability of courses in their high schools has been a UC practice for more than a decade.[15] In July 1996, UC's president articulated the policy, providing campuses explicit flexibility to admit a small proportion of students effective with the spring 1998 quarter: Up to 6 percent of newly enrolled freshmen could be admitted "by exception" at each campus. Up to 4 percent could be drawn from disadvantaged students, and up to 2 percent from other students. Disadvantaged students were defined as students from low socioeconomic backgrounds or students who had experienced limited educational opportunities.[16]

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[11] Joint Committee to Develop a Master Plan for Education, *The California Master Plan for Education*, August 2002.

[12] *See, e.g.,* Joint Committee for Review, "California Faces," pp. 1–4; University of California, Office of the President, "Policy on Future Admissions, Employment, and Contracting—Resolution Rescinding SP-1 and SP-2, Approved May 16, 2001," <www.ucop.edu/regents/policies/6031.html>.

[13] Note that a policy described below as the "4 percent plan" has been added as a selection criteria. *See* University of California, Office of Strategic Communications, "Facts About the University of California." The required preparatory courses for admission have been the same since 1994 and include, for example, one year of study in history, cultures, and geography, two years of laboratory science in different disciplines, and two years of elective courses. As amended March 19, 1999, and effective for freshmen in fall 2003, the requirements will include one year of study in the visual and performing arts and will reduce the college preparatory elective courses from two years to one year. The computation of the academic grade point average uses all grades achieved in the required courses and assigns extra points to grades received in two approved honors-level courses completed in the 10th grade. University of California, Office of the President, "Policy on Changes in Freshman Admissions Requirements, Approved March 19, 1999," <www.ucop.edu/regents/policies/6161.html>.

[14] Joint Committee to Develop a Master Plan for Education, *The California Master Plan for Education*, August 2000.

[15] Joint Committee for Review, "California Faces," pp. 4–5. For example, in 1989 UC campuses were reported to admit 6 percent of freshmen on the basis of individual talent or special criteria, which could include "ethnic minorities whom counselors say have the potential to succeed in college even though they started too late in high school to meet all admissions requirements." David Smollar, "Colleges Wooing Minority Students Younger and Younger," *Los Angeles Times,* May 21, 1989, Metro, p. 1. *See also* Kenneth Rogers, "Don't Lower the Bar—Elevate the Students," *Los Angeles Times,* Mar. 10, 1995, p. B7.

[16] *See* University of California, Office of the President, "Policy on Undergraduate Admissions by Exception, Issued by the Office of the President, July 1996," <www.ucop.edu/regents/policies/6160.html>.

The University- and State-Imposed Race Bans With 50 to 75 Percent Admitted on Academic Merit

On July 20, 1995, the UC Board of Regents approved an admissions policy prohibiting all schools in the UC system from using "race, religion, sex, color, ethnicity, or national origin as criteria for admission to the University or to any program of study."[17] The policy further stated that the university would admit no less than 50 percent and no more than 75 percent of applicants on academic criteria alone.[18]

On November 6, 1996, the voters of California passed Proposition 209, further prohibiting the use of race in college admissions for any state body. The proposition was incorporated into the California Constitution and took effect on August 28, 1997. Several lower court decisions challenged the proposition, but the U.S. Supreme Court denied further appeal on November 3, 1997, and the proposition remains in effect today.[19] The first UC students the proposition affected were those entering in the fall of 1998 (see table 2.2).

The race bans imposed by Proposition 209 and the university's Board of Regents, therefore, began with the same entering undergraduates. The university-imposed race ban, emphasizing academic merit, was only in effect until May 16, 2001, when the Board of Regents rescinded it. With Proposition 209 becoming part of the state constitution, the regents' act, in effect, shifted accountability for the race ban to the state. However, in addition to rescinding the ban on race, the regents did away with the requirement that 50 to 75 percent of admissions be based on academic merit alone.[20]

"Eligibility in the Local Context"—The 4 Percent Plan

The Board of Regents approved a 4 percent plan on March 19, 1999. Referred to as "eligibility in the local context," it guaranteed admission in the UC system to the top 4 percent of students in California high schools, if the students had successfully completed specific college preparatory coursework. This policy supplemented other existing admissions policies and took effect for students entering UC as freshmen in the fall 2001.[21]

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[17] *See* University of California, Office of the President, "Policy on Future Admissions, Employment, and Contracting."

[18] *See* University of California, Office of the President, "Policy on Comprehensive Review in Undergraduate Admissions, Approved November 15, 2001," <www.ucop.edu/regents/policies/compreview.html>.

[19] *See e.g.,* Coalition for Economic Equity, et al. v. Pete Wilson, Governor of California, et al., 122 F.3d 692 (1997), *cert. denied* 522 U.S. 963 (1997); University of California, Office of the President, "Policy on Future Admissions, Employment, and Contracting"; University of California, Santa Cruz, "Implementation of Proposition 209: How It Impacts UC's Employment Practices," p. 1, <www2.ucsc.edu/eeo-aa/Post209.html>.

[20] University of California, Office of the President, "Comprehensive Review," <www.ucop.edu/news/compre/welcome.html>.

[21] *See* University of California, Office of the President, "Establishment of UC Freshman Eligibility in the Local Context, Approved March 19, 1999," <www.ucop.edu/regents/policies/6173.html>; and University of California, Office of the President, "Eligibility in the Local Context," <www.ucop.edu/news/cr/welcome.html>. Note that a further modification to the 4 percent plan has been approved for admission of the class entering in the fall of 2003. In addition to the top 4 percent of each California high school's graduates, the proposed "Dual Admissions" program will allow an additional 8.5 percent to be given admission somewhere in the UC system, provided the students successfully complete first-year and sophomore requirements at a community college. *See* Roya Aziz, "U. California

The "Eligibility in the Local Context" program, or 4 percent plan, did not bring about a major change in UC admissions. The California Master Plan for Education already guaranteed admission to California residents graduating from high school in the top 12.5 percent of students statewide, and an estimated 60 to 65 percent of students in the top 4 percent of their local high schools were already eligible for UC admission under the statewide 12.5 percent plan. Thus, the 4 percent plan merely broadened the UC eligible pool to include an estimated additional 3,500 to 4,000 students who ranked near the top of their schools but were not among the top 12.5 percent of students statewide.[22] The addition of the 4 percent plan was expected to increase underrepresented minorities, yielding an additional 300 to 700 Chicano/Latino and African American students within UC's eligibility pool.[23]

The Comprehensive Review

On November 15, 2001, the UC Board of Regents approved a comprehensive review process that would evaluate and admit applicants to UC campuses beginning in fall 2002 using multiple measures of achievement and promise and consider the context in which each student had demonstrated academic accomplishment. The board further indicated that the comprehensive review policies "shall be used fairly, shall not use racial preferences of any kind, and shall comply with Proposition 209."[24]

The comprehensive review replaced the requirement that 50 to 75 percent of students be admitted on academic criteria alone. Thus, the older system created a two-tier selection process whereby campuses used only the 10 academic criteria to admit 50 to 75 percent of students. The remainder of the students could be selected using a set of 14 criteria, four of which were nonacademic. Under the comprehensive review system, all 14 criteria are used to select all students. Thus, student records are analyzed not just for grades and test scores, but also for evidence of such qualities as motivation, leadership, intellectual curiosity, and initiative.[25]

University officials tout the comprehensive review for leading to a more thorough and complete review of the broad variety of applicants' academic and personal qualifications, yet continuing to ensure the admission of highly qualified students.[26] Critics of the comprehensive review charge that it is a "backdoor attempt to boost minority enrollment in the post-Proposition 209 era at the expense of objective, academically based entrance criteria."[27]

System Creates New Admissions Plan," *California Aggie*, Sept. 26, 2000; Tanya Schevitz, "UC Widens Chance of Gaining Admission; Policy Approved to Aid Minorities, Disadvantaged," *San Francisco Chronicle*, July 20, 2001.

[22] In fact, the 4 percent plan was not expected to displace students eligible under the 12.5 percent plan because fewer than the 12.5 percent met other UC eligibility requirements. *See* Geiser, *Redefining UC's Eligibility Pool*, pp. 11–12.

[23] Ibid., p. 7.

[24] *See* University of California, Office of the President, "Policy on Comprehensive Review in Undergraduate Admissions."

[25] University of California, Office of Strategic Communications, "Facts About the University of California."

[26] Ibid.

[27] Pacific Legal Foundation, "Fifth Anniversary of 209's Passage: A.G. Gets Failing Grade for Prop. 209 Enforcement; PLF Calls for End to Racially Divisive Programs," press release, Nov. 5, 2001.

Table 2.3
Admissions Policies in Effect for University of California Undergraduates by School Year

Admissions Policy:	School Year: 1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
12.5 percent plan	■	■	■	■	■	■	■	■
Admission by exception	■	■	■	■	■	■	■	■
Affirmative action	■	■	■					
University race ban				■	■	■		
State race ban (Proposition 209)				■	■	■	■	■
50 to 75 percent on academic merit				■	■	■	■	
4 percent plan						■	■	■
Comprehensive review								■

Table 2.3 lists the various admissions policies that have applied to UC and illustrates the school years for which they were in effect. With regard to timing, the policies follow three co-existing patterns. First, the 12.5 percent plan and the admission by exception policy were in effect throughout the period studied here, which includes the 1995–96 school year through the 2002–03 school year.

Second, bans on the use of race for undergraduate admissions were not in effect before the fall 1998 school year, but have been since that time. Approved in mid-1995, the UC ban on race did not take effect for undergraduates until the 1998–99 school year; Proposition 209, passed by the voters in 1996, affected the same entering students, and remains in effect today.

Third, a series of other admissions policies occurred during the period studied. Affirmative action programs, including outreach, were in place during the pre-ban school years of fall 1995 to spring 1998. An emphasis on academic merit—the requirement that 50 to 75 percent of entering students be admitted on academic criteria alone—was imposed from fall of 1998 to spring 2002. "Eligibility in the local context," the 4 percent plan, was implemented in fall 2001, and overlapped for one year with the 50 to 75 percent academic merit requirement and for one year, so far, with the latest program, the comprehensive review. The comprehensive review was used for the first time with the class entering in the fall of 2002. The 4 percent plan and the comprehensive review, along with other new policies to take effect with future admissions, were intended to diversify the class to achieve representation of minorities closer to that achieved with affirmative action programs before the use of race was banned.

Undergraduate Enrollment, Applications, and Admissions

Enrollment

For this study, University of California data were obtained for California resident applications, admissions, and enrollees by race.[28] The analysis that follows examines first the racial and ethnic composition for the 1995–96 school year and contrasts it with other pre- and post-ban years and admissions policies that were in effect.

Figure 2.1 shows enrollment data by race of freshmen entering the University of California system in fall 1995 when affirmative action programs were still in place. The university as a whole had approximately equal proportions of Asian Pacific American and white students enrolled (36 to 37 percent) in the 1995–96 school year. Sixteen percent of students were Hispanic, 4 percent black, and 1 percent Native American.

The UC campuses varied in the racial and ethnic composition of 1995 freshmen, between campuses that were majority white, slightly preponderant in whites, majority Asian Pacific American, and diverse with a slight preponderance of Asian Pacific Americans. The Santa Barbara and Santa Cruz campuses were majority white—59 and 55 percent, respectively. The Davis and San Diego campuses had more whites than Asians, but not a white majority, with 43 to 44 percent white and 34 and 39 percent Asian Pacific Americans. Irvine was majority Asian Pacific American (60 percent). Berkeley, Los Angeles, and Riverside had more Asian Pacific Americans (38 to 41percent) than whites (25 to 30 percent), and larger proportions of Hispanics (17 to 22 percent) and African Americans (7 percent), making them the most diverse campuses (see figure 2.1).

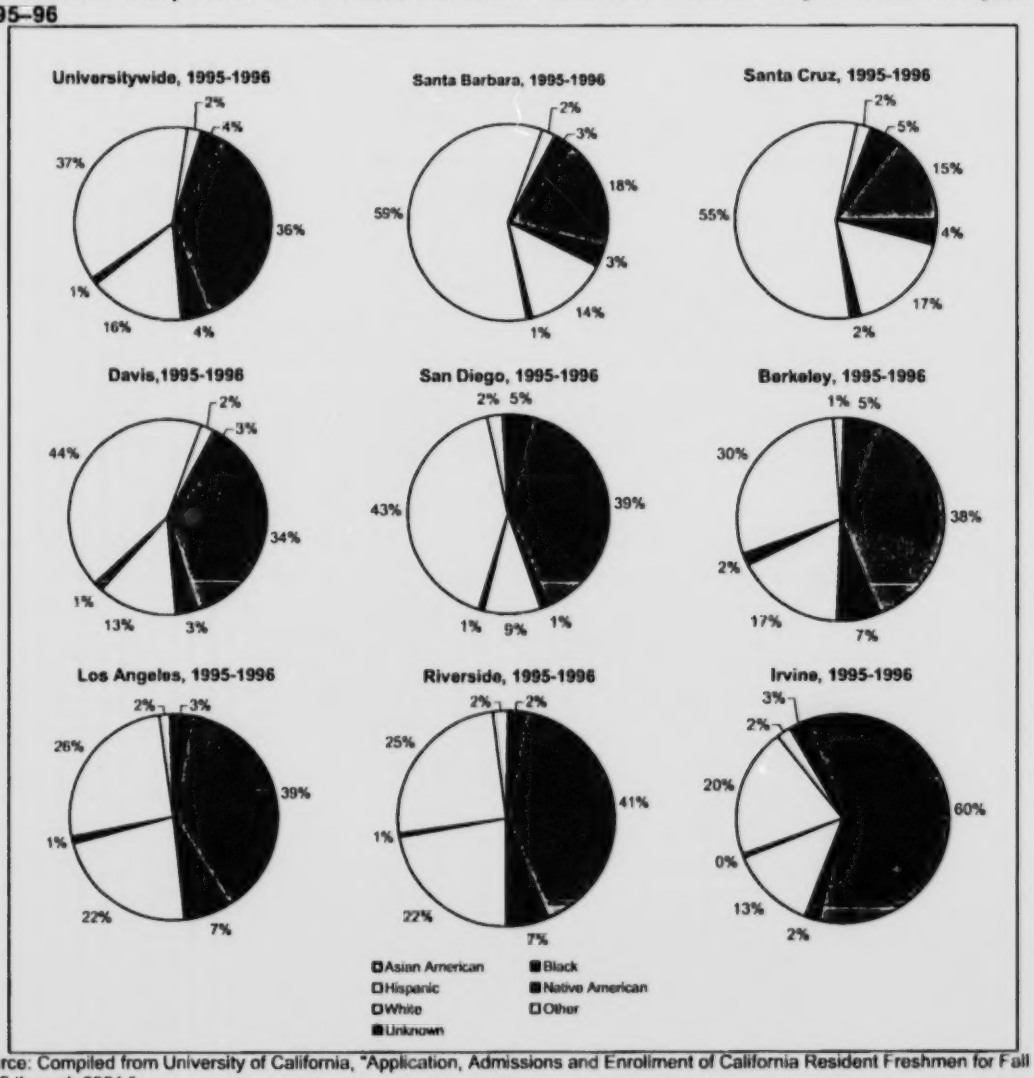
As for people of color other than Asian Pacific Americans: Los Angeles and Riverside had the most Hispanics (22 percent); Santa Cruz and Berkeley each 17 percent; Santa Barbara, Davis, and Irvine, 13 to 14 percent Hispanics; San Diego, only 9 percent. Perhaps the most striking observation is that African Americans were never more than 7 percent at any UC campus. Santa Cruz, Santa Barbara, and Davis had 3 to 4 percent blacks and Irvine and San Diego, only 1 to 2 percent. The proportions of Native Americans ranged between 0.5 and 1.8 percent at the various campuses (see figure 2.1).

Changes over time have brought slightly more preponderance of Asian Pacific Americans to the racial/ethnic character of the UC campuses. From the entering class of 1996 to that of 2001, the UC system had 36 to 39 percent Asian Pacific Americans and 33 to 40 percent whites. Santa Barbara and Santa Cruz continued to have majority-white campuses; Irvine continued to have an Asian Pacific American majority. Berkeley, Los Angeles, and Riverside maintained the preponderance of Asian Pacific Americans, if not the diversity of other minority groups. Davis and San Diego, which had a slight preponderance of whites in 1995–96, changed over time to have a slight preponderance of Asian Pacific Americans. San Diego began to have a greater proportion of Asian Pacific Americans than whites with entering freshmen in fall 1998 when the race ban

[28] University of California, Office of the President, Student Academic Services, "University of California Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2001," "REG004/005, Jan02 f01/flowfrc9501" (hereafter cited as University of California undergraduate data).

was first imposed and thereafter. Davis showed more Asian Pacific Americans than whites in fall 2001.[29]

Figure 2.1
Racial/Ethnic Composition of First-Time Freshmen Enrolled in the University of California System, 1995–96



Source: Compiled from University of California, "Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2001."

[29] Percentages are calculated from University of California undergraduate data, not shown here. Note that the race ban resulted in a large increase in the number of students with "unknown" race, particularly in the fall of 1998. A couple of exceptions occurred in the trends described above, but would likely prove to be true if the race/ethnicity were known for all students. For example, Santa Cruz had only 45 percent whites in the 1998–99 school year, but likely had a sizeable proportion of whites among the 19 percent with unknown race. Elsewhere, university officials determined that the vast majority who did not report racial information were white or Asian. *See* Rebecca Trounson and Kenneth R. Weiss, "California and the West; Numbers of Blacks, Latinos Admitted to UC System Rise," *Los Angeles Times*, Apr. 4, 2001, p. A-3.

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The preponderance of Asian Pacific Americans and whites in the UC system and its campuses hide, however, the subtle dwindling in the enrolled proportions of Hispanic, black, and Native Americans—the underrepresented minority groups.[30] The UC system had 16 percent Hispanics in 1995–96, but has had only 12 to 14 percent thereafter. It had 4 percent blacks in 1995–96, but has often had only 3 percent since then. It had 1.1 percent Native Americans in 1995–96, but only 0.5 to 1.0 percent in the ensuing school years.[31] The Berkeley and Los Angeles campuses, which had been quite diverse with 26 and 30 percent Hispanics, African Americans, and Native Americans in 1995–96, had only 16 and 17 percent in 2001–02.[32] It is these changes in enrollment that will be analyzed below in light of the various admissions policies.

Table 2.4 shows changes in the representation of blacks, Hispanics, and Native Americans among the University of California's first-time enrolled students from classes entering in 1995 through 2001. The first columns show the number and percentage of these groups that were admitted in the 1995–96 school year. The remaining columns show, for the fall 1996 through fall 2001 school years, the difference between the numbers of these groups enrolled and the number that would have been enrolled had the proportional representation of the group in the 1995–96 school year been sustained along with the growth of the university. Deficits are shown in parentheses.

For the UC system as a whole, all three groups show deficits in the numbers enrolled for every year since the baseline 1995–96. For this six-year period, a total of nearly 1,600 fewer African Americans, approximately 4,000 fewer Hispanics, and 675 fewer Native Americans have been enrolled than would have been had the representation of these groups in the baseline year been preserved (see table 2.4).

The latter two pre-ban years (1996–97 and 1997–98) show smaller deficits in this expected number of enrollees than the years following the race ban. For blacks, the UC system shows a deficit of about 100 enrollees in the pre-ban years and between 320 and 377 in the race-ban years. For Hispanics, there were deficits of 409 and 564 enrollees in the pre-ban years. The deficit grew to 933 Hispanics in 1998–99, the first year of the race ban, and then waned some after that to a deficit of 614 in 2001–02. For Native Americans, deficits in enrollees increased across the years from 24 in 1996–97 to 160 in 2001–02, showing no obvious effect of the ban on race.

Rarely did schools in the UC system enroll proportionally more of these groups than they had in 1995–96. Santa Barbara was an exception, having enrolled 14 to 16 percent Hispanics each year since the baseline year. San Diego was able to enroll proportionally more of the underrepresented minority groups than in 1995–96 in a number of instances, possibly because the campus had such small proportions enrolled in the first place. Berkeley was able to enroll a larger number of blacks in the last pre-ban year, 1997–98; Irvine was able to do so recently for the 2001–02 school year.

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[30] The broad category of "Asian Pacific Americans" may mask other underrepresented groups. For example, East Indians/Pakistanis and Filipino Americans have been included with Asian Americans in this category, although the University of California undergraduate data track them separately. UC's race bans did not diminish the proportional presence of East Indian/Pakistani or Filipino American enrollees. (University of California undergraduate data, not shown.)

[31] University of California undergraduate data (not shown).

[32] Ibid.

Table 2.4
Surplus or Deficit in Blacks, Hispanics, and Native Americans Enrolled in University of California Relative to 1995–96 School Year

	Actual Number	Percent	Surplus or deficit of students needed to maintain proportional representation of 1995-1996 school year						
	Pre-Ban		Pre-Ban		Race Ban				TOTAL
	1995-1996		1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	1996-2002
	African Americans				*African Americans*				
UC System	945	4.3%	(108)	(100)	(330)	(360)	(320)	(377)	(1,595)
Los Angeles	259	7.4%	(39)	(62)	(151)	(138)	(142)	(156)	(687)
Riverside	101	6.5%	(24)	(39)	(34)	(19)	(16)	(44)	(177)
Berkeley	202	6.7%	(4)	38	(100)	(92)	(80)	(97)	(335)
Santa Cruz	67	4.0%	(29)	(38)	(36)	(37)	(40)	(33)	(213)
Davis	108	3.4%	(16)	(23)	(27)	(33)	(29)	(36)	(164)
Santa Barbara	103	3.2%	(12)	7	(9)	(31)	(12)	(19)	(75)
Irvine	64	2.2%	(15)	(10)	4	(7)	(11)	28	(12)
San Diego	41	1.4%	24	17	7	(11)	(16)	(20)	2
	Hispanics				*Hispanics*				
UC System	3,432	15.6%	(409)	(564)	(933)	(819)	(706)	(614)	(4,044)
Los Angeles	790	22.4%	(126)	(236)	(449)	(380)	(361)	(318)	(1,870)
Riverside	344	22.2%	(29)	(81)	(46)	(19)	6	6	(163)
Berkeley	514	16.9%	(42)	(76)	(299)	(224)	(246)	(218)	(1,105)
Santa Cruz	288	17.0%	(68)	(97)	(78)	(87)	(98)	(84)	(512)
Davis	415	13.1%	(123)	(87)	(82)	(127)	(121)	(89)	(630)
Santa Barbara	439	13.6%	41	20	53	19	54	93	280
Irvine	371	13.0%	(100)	(77)	(58)	(50)	(67)	(20)	(373)
San Diego	271	9.2%	29	47	(25)	(4)	29	(30)	46
	Native Americans				*Native Americans*				
UC System	248	1.1%	(24)	(84)	(112)	(153)	(141)	(160)	(675)
Los Angeles	42	1.2%	(12)	(5)	(33)	(34)	(31)	(35)	(150)
Riverside	11	0.7%	(0)	(8)	(5)	(6)	(8)	(7)	(34)
Berkeley	56	1.8%	(17)	(41)	(49)	(38)	(43)	(45)	(233)
Santa Cruz	27	1.6%	(9)	(14)	(13)	(17)	(19)	(23)	(95)
Davis	45	1.4%	(13)	(15)	(15)	(27)	(27)	(21)	(119)
Santa Barbara	31	1.0%	18	(1)	4	(6)	(5)	(5)	5
Irvine	14	0.5%	(8)	(4)	4	(8)	1	1	(13)
San Diego	22	0.7%	12	2	(6)	(12)	(8)	(19)	(31)

Source: Compiled or calculated from University of California, "Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2001" (no date).

In short, UC data show that seemingly low proportions of African Americans, Hispanics, and Native Americans are enrolled in the system and that the percentages have diminished since the 1995–96 school year, even in the pre-ban years. The percentages dropped further after the race ban went into effect, and have not recovered in recent years despite changes in policy intended to diversify the student populations. At the same time, some campuses did better than others at enrolling underrepresented students despite admissions policies that the state and the university system imposed.

Applications and Admissions

The racial/ethnic composition of the university's enrollment is partly determined by who is eligible and who applies to the school. Each of the underrepresented minority groups is a larger proportion of high school diploma recipients in California than of UC applicants. Of the spring 2000 California high school diploma recipients, 7.3 percent were African American, 32.6 percent were

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Hispanic, and 0.9 percent, Native American.[33] The proportions among UC applicants were only 4.2, 14.6, and 0.7 for African Americans, Hispanics, and Native Americans applying for the 2000–01 school year.[34] If UC received applications from the top 12.5 percent of African American and Hispanic diploma recipients from California, the university would have received more than 2,800 applications from African Americans and nearly 12,600 from Hispanics.[35] Instead, the system received only 2,376 and 8,234 applicants from African Americans and Hispanics for that fall.[36]

The University of California's applications and admissions follow trends similar to the enrollment data. Table 2.5 shows the numbers and percentage of persons from underrepresented minority groups who were admitted to the UC system for selected years—the baseline 1995–96 school year, the first year of the race ban (1998–99), and the most recent year (2001–02). The table reveals, first, that both the numbers and percentages of the underrepresented minority applicants and admissions declined when the race ban was imposed. For example, about 150 fewer African Americans applied to UC in the year the race ban was implemented than in 1995–96. About 300 fewer African Americans were admitted to UC in the first year of the race ban than in 1995–96. About 450 fewer Hispanics were admitted when the race ban was first imposed than had been in the baseline year.

Table 2.5
University of California Applicants, Admissions, and Enrollment for Underrepresented Minority Groups in Selected School Years

	Number			Percent		
	Pre-Ban	Race Ban		Pre-Ban	Race Ban	
	1995-1996	1998-1999	2001-2002	1995-1996	1998-1999	2001-2002
African Americans						
UC applicants	2,292	2,151	2,590	5.0%	4.1%	4.3%
UC admissions	1,683	1,368	1,734	4.4%	3.2%	3.4%
UC enrollment	945	739	856	4.3%	3.0%	3.0%
Hispanics						
UC applicants	7,332	7,285	9,265	16.0%	13.9%	15.5%
UC admissions	6,050	5,503	7,433	15.8%	12.9%	14.6%
UC enrollment	3,432	2,948	3,864	15.6%	11.9%	13.5%
Native Americans						
UC applicants	459	408	379	1.0%	0.8%	0.6%
UC admissions	392	316	312	1.0%	0.7%	0.6%
UC enrollment	248	168	164	1.1%	0.7%	0.6%

Source: Compiled or calculated from University of California, "Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2001" (no date).

[33] U.S. Department of Education, National Center for Education Statistics, "Common Core of Data," 2000–2001 (hereafter cited as NCES, "Common Core of Data," 2000–01). The most recent data available are for 2000–2001, but include diploma recipients from the previous year.

[34] University of California undergraduate data (not shown).

[35] NCES, "Common Core of Data," 2000–2001.

[36] University of California undergraduate data (not shown).

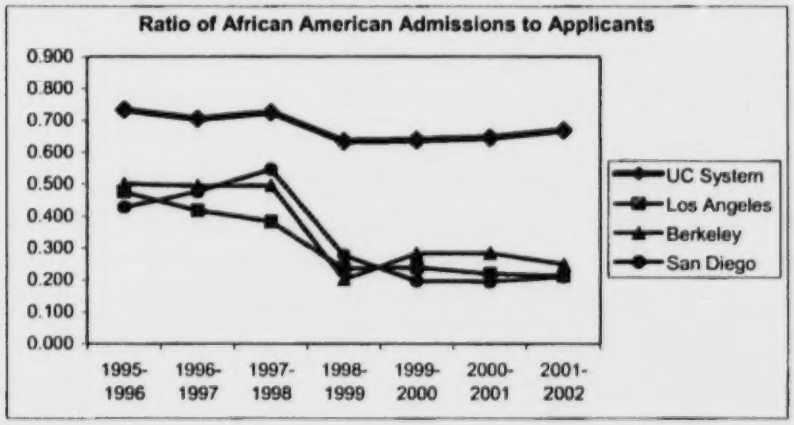
By the 2001–02 school year, UC received more applications from and admitted more African Americans and Hispanics than it had in 1995–96. However, the proportions of these two groups, although larger than when the race ban was first instituted, remained smaller than during the baseline year. Thus, African Americans were 4.3 percent of applications in 2001–02, but had been 5.0 percent in 1995–96. African Americans were 3.4 percent of those admitted to UC in 2001–02, but had been 4.4 percent of those admitted in the baseline year. Native Americans were only 0.6 percent of applicants or those admitted in 2001–02, although they had been 1.0 percent in 1995–96. The numbers of Native American applicants and admissions were still lower than they were in 1995–96 (see table 2.5).

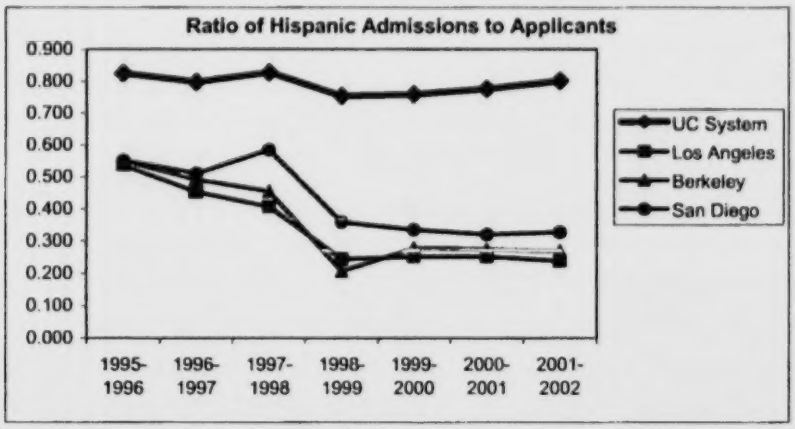
Despite the seemingly small decreases in the numbers of underrepresented minorities admitted to UC when the race ban was imposed, dramatic changes occurred in the admissions of some institutions making up the UC system. Figure 2.2 shows the ratio of the number of students admitted to the number of students who applied for African Americans, Hispanics, and Native Americans. The graphs depict these ratios for the university system and three of its campuses—Los Angeles, Berkeley, and San Diego.

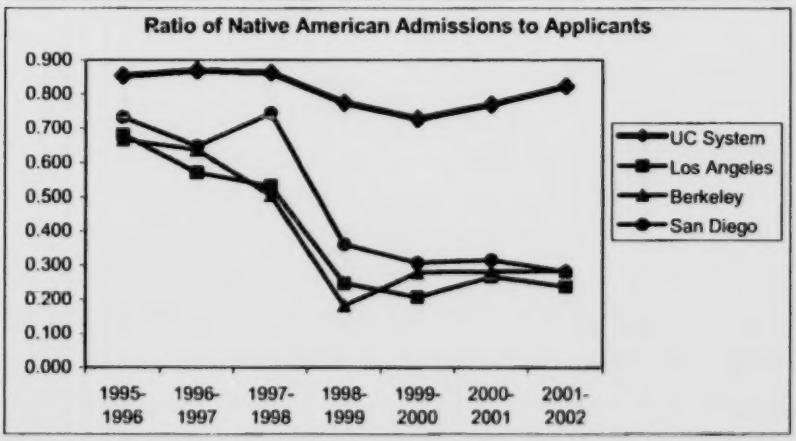
The UC admission rates are lower for African Americans than for Hispanics or Native Americans, and lower after the race ban than before. Between 80 and 87 out of 100 Native American or Hispanic applicants were admitted to UC in the years before the race ban, but only 71 to 73 out of 100 African American applicants. In the years since the race ban was imposed, 73 to 82 out of 100 Native American and Hispanic applicants were admitted, but only 64 to 67 out of 100 African Americans. At the Los Angeles, Berkeley, and San Diego campuses, the admission rates for the underrepresented minorities are even lower. Although these campuses admitted between 38 and 55 out of 100 African American applicants before the race ban, they only admitted between 20 and 28 out of 100 when the ban was imposed and thereafter. They admitted between 40 and 58 out of 100 Hispanic applicants before the race ban, and between 20 and 36 out of 100 after. Between 50 and 73 out of 100 Native American applicants were admitted before the ban, and only 18 to 36 out of 100 after (see figure 2.2). Figure 2.2 does not show any upswing in the acceptance rates of these three campuses suggesting greater likelihood of underrepresented minorities being admitted as the new admissions policies, implemented in 2001 and touted for promoting diversity, would lead one to expect.

Furthermore, a comparison of admission rates and enrollment rates in table 2.5 shows that these underrepresented minorities are often an even smaller proportion of students who enroll in the university than they were of those who were admitted. For example, although 14.6 percent of persons admitted for the 2001–02 school year were Hispanic, only 13.5 percent of those who actually enrolled were Hispanic. Thus, UC was not always as successful in enrolling persons from these underrepresented groups as it was in admitting them.

Figure 2.2
Difficulty of Gaining Admission to the University of California for Underrepresented Minority Groups







Source: Calculated from University of California, "Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2001" (no date).

Recent news articles have reported on admissions for fall 2002 freshmen, stating that the University of California has admitted more minority students for the first time since affirmative action was abandoned. According to one article, 19.1 percent of the university system's admissions for fall 2002 were from underrepresented minority groups.[37] This compares favorably with the admissions figure of 18.8 percent for these groups for the pre-ban year of 1997–98. However, as indicated here, the percentages of these minorities had already begun decreasing by fall 1997. Thus, 2002 admissions still fall below the 21.2 percent of the 1995–96 admissions that were African American, Hispanic, and Native American (adding figures from table 2.5).

Professional School Enrollment, Applications, and Admissions

Five of the University of California campuses—Davis, Irvine, Los Angeles, San Diego, and San Francisco—have medical schools; Berkeley, Davis, and Los Angeles have law schools (see table 2.1, above). Table 2.6 shows the numbers and percentages of applicants, admissions, and new registrants in the three underrepresented minority groups for University of California medical and law schools. The race ban was imposed upon graduate admissions one year earlier than on undergraduates.[38] Thus, the 1997–98 school year is shown as the first year of the race ban, and 1998–99 as the second year.

First, only a few (just three in fall 1995) Native Americans were admitted to UC medical schools prior to the race ban. Given these very small numbers, improved performance in later years (five in fall 1997) is hardly significant (see table 2.6). The general trends described below with other groups do not apply to Native Americans in regard to medical schools.

Apart from this special occurrence with Native Americans, the University of California medical and law schools had large drops in the numbers of applicants, admissions, and new registrants for the three underrepresented minority groups from the 1995–96 pre-ban year to 1997–98, when the ban was implemented. In most instances, applications continued to drop in 1998–99, the second year of the race ban. Furthermore, the proportional representation of these groups among applicants, admissions, and new registrants decreased when the race ban was imposed. The lower representation of African Americans in law schools was particularly severe, as is shown in more detail in figure 2.3. African Americans were 7.2 percent of those admitted to UC law schools in 1995–96, but only 2.2 percent of admissions in 1997–98 (see table 2.6 and figure 2.3).

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[37] *See, e.g.*, Piper Fogg, "U. of California, for First Time, Admits More Minority Students Than It Did Under Affirmative Action," *Chronicle of Higher Education*, Apr. 8, 2002, <www.chronicle.com/daily/2002/04/2003040801n.htm>. Note that these reports are based on preliminary data and the numbers and percentages sometimes differ from those given here for earlier years. *See* University of California, Office of the President, "Student/Workforce Data," <www.ucop.edu/news/studstaff.html>.

[38] University of California, Office of the President, "Policy on Future Admissions, Employment, and Contracting."

Table 2.6
University of California Applicants, Admissions, and Enrollment for Underrepresented Minority Groups in Medical and Law Schools for Selected School Years

	Number				*Percent*			
	Pre-Ban	Race Ban			Pre-Ban	Race Ban		
	1995-1996	1997-1998	1998-1999	2001-2002	1995-1996	1997-1998	1998-1999	2001-2002
University of California Medical Schools -- Davis, Irvine, Los Angeles, San Diego, San Francisco								
African Americans								
Applicants	1,382	1,042	820	846	4.9%	4.2%	3.5%	3.9%
Admissions	76	47	51	75	6.5%	4.1%	4.5%	6.1%
New registrants	36	27	24	20	6.3%	4.7%	4.2%	3.5%
Hispanics [1]								
Applicants	2,586	1,811	1,741	1,606	9.1%	7.3%	7.4%	7.4%
Admissions	180	117	144	121	15.4%	10.3%	12.6%	9.8%
New registrants	81	53	62	46	14.2%	9.3%	10.9%	8.1%
Native Americans								
Applicants	197	191	117	141	0.7%	0.8%	0.5%	0.7%
Admissions	3	8	5	5	0.3%	0.7%	0.4%	0.4%
New registrants	2	5	3	2	0.4%	0.9%	0.5%	0.4%
University of California Law Schools -- Berkeley, Davis, Los Angeles [2]								
African Americans								
Applicants	962	647	504	643	7.8%	6.3%	4.5%	4.8%
Admissions	186	59	68	107	7.2%	2.2%	2.7%	4.0%
Enrollment	44	16	19	28	6.5%	1.9%	2.6%	3.4%
Hispanics								
Applicants	1,339	895	856	1,060	10.9%	8.8%	7.7%	7.9%
Admissions	242	170	159	184	9.3%	6.4%	6.3%	6.8%
Enrollment	86	59	51	57	12.8%	7.2%	7.0%	7.0%
Native Americans								
Applicants	178	81	104	101	1.5%	0.8%	0.9%	0.7%
Admissions	28	14	18	12	1.1%	0.5%	0.7%	0.4%
Enrollment	11	4	7	5	1.6%	0.5%	1.0%	0.6%

[1] "Mexican Americans/Chicanos," "Puerto Rican (mainland)," and "Other Hispanic" are included.

[2] The Hastings School of Law is also part of the University of California system, although it is not included in these figures.

Source: University of California, Office of the President, "University of California, Medical School Applicants, Admits and New Registrants, by Ethnicity/Race, Fall 1996 to Fall 2001, Numbers"; "University of California, Medical School Applicants, Admits and New Registrants, by Ethnicity/Race, Fall 1996 to Fall 2001, Percentages"; "University of California, Medical School Applicants, Admits and New Registrants, by Ethnicity/Race, Fall 1991 to Fall 1995, Numbers"; "University of California, Medical School Applicants, Admits and New Registrants, by Ethnicity/Race, Fall 1991 to Fall 1995, Percentages"; "University of California, Law School Applications, Admissions, and First Year Class Enrollments, by Ethnicity/Race, Fall 1993 to Fall 2001, Numbers"; and Admissions, and First Year Class Enrollments, by Ethnicity/Race, Fall 1993 to Fall 2001, Percentages." *See* <www.ucop.edu/acadadv/datamgmt/graddata/>, Feb. 5, 2002 (accessed on Aug. 14, 2002).

Whatever professional school admissions policies were put in place by fall 2001, they increased the admissions among African Americans slightly. However, the increases in admissions were not always realized in enrollment. The proportions of African Americans and Hispanics enrolled in UC medical and law schools remained below the levels of 1995–96, and the proportion of Native Americans enrolled in law schools remained below that baseline year (see figure 2.3 and table 2.6). In short, for the 2001–02 school year, the five UC medical schools enrolled an average of four African Americans, nine Hispanics, and no Native Americans each. The law schools each enrolled an average of nine African Americans, 19 Hispanics, and one to two Native Americans.

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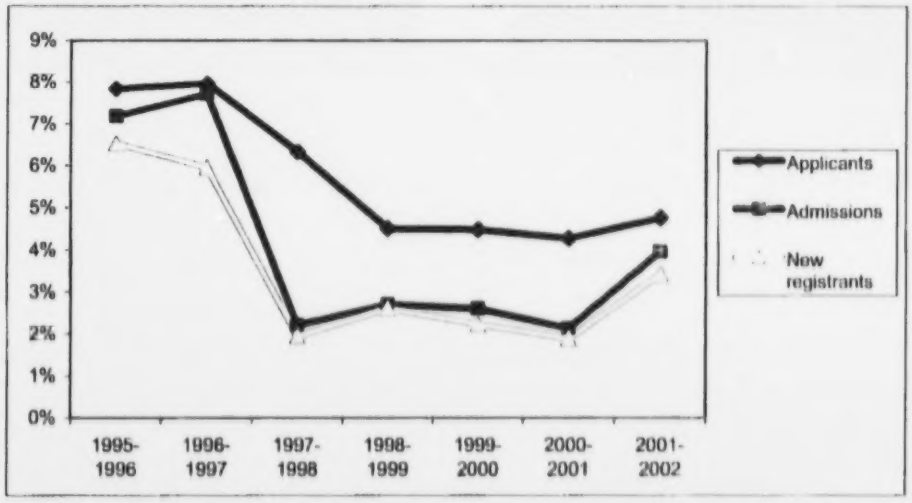
Figure 2.3
Percentage of African American Applicants, Admissions, and New Registrants at University of California Law Schools, 1995 to 2001



Source: University of California, Office of the President, "University of California, Law School Applications, Admissions, and First Year Class Enrollments, by Ethnicity/Race, Fall 1993 to Fall 2001, Percentages."

Affirmative Action and Outreach

Before the ban, the University of California had affirmative action programs. When Proposition 209 passed, there was uncertainty about whether the race ban applied to outreach. Ultimately, programs to diversify the university's student body were targeted differently and were referred to as outreach.[39] Thus, not just admissions, but outreach programs were affected by the race ban.

Affirmative Action Programs Before the Race Ban

UC affirmative action efforts were characterized as "race-attentive" programs because race was one factor considered, but no student was to be admitted on the basis of race alone. With few exceptions, all applicants must meet UC academic requirements to be admitted.[40] Instead, efforts were directed toward bolstering the eligibility of underrepresented minority groups. In the mid-1980s, these included programs to encourage African Americans and Latinos to attend college, to provide counseling and tutoring to help retain more minorities in the UC system, and to work with public school teachers to raise the quality of teaching at schools with high minority enrollments.[41]

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[39] Amy Wallace, "Los Angeles Times Interview; Richard Atkinson; Maintaining a Diverse UC in a Post Affirmative-Action World," *Los Angeles Times*, Oct. 27, 1996, p. M-3.

[40] Bill Stall, "Wilson Steps up Affirmative Action Attack," *Los Angeles Times*, July 19, 1995, p. A-3. Exceptions were under the "Admissions by Exception" policy that provided for students with course deficiencies due to the unavailability of courses in their high schools. One UC regent stated, in 1996, that 16 percent of African Americans, 1 percent of Asians, and 2 percent of whites were admitted to Berkeley under this policy. Ruben Navarrette Jr., "The State/Affirmative Action; Will Outreach Programs Be the Next Target?" *Los Angeles Times*, July 28, 1996, p. M-6.

[41] "Opening the Door Wider," *Los Angeles Times*, Jan. 20, 1986, Metro, part 2, p. 4.

The Early Outreach Program (later the Early Academic Outreach Program) helped high school minority students take college preparatory classes. The program gave parents information about college entrance requirements and financial aid, brought students to campus for visits, and provided summer enrichment and UC minority students to act as tutors and role models.[42] A second key outreach program encouraged minority students to concentrate on mathematics, science, and engineering and offered internships, research support, and stipends for minority undergraduates studying these subjects.[43]

The Young Black Scholars program was a UC Los Angeles effort to increase representation of minority students by helping promising students prepare for college. It provided academic support and informal mentoring to ninth- through 12th-grade students in the Los Angeles school district and several surrounding communities. The academic support included workshops on writing skills, math, and science and preparation for college entrance exams. Community organizations provided mentors matched to the career, subject, or interests of the students. In 1995–96, the program had 800 students, most of whom were headed to college.[44]

UC affirmative action programs were never as well financed, widespread, comprehensive, or successful as one might hope. The Board of Regents often planned expanded outreach to African Americans and Latinos, but was not always successful in obtaining the requested state funding.[45]

A Period of Uncertainty About Outreach Programs

In July 1999, proposed legislation to exempt certain outreach efforts and the pursuit of diversity goals from the affirmative action ban was vetoed by the governor.[46] On November 30, 2000, the California Supreme Court ruled on a San Jose contracting program that government agencies could no longer limit recruitment efforts to women and minorities. It dismissed affirmative action programs as "proportional group representation" that grant preferences in favor of minorities, but gave limited guidance on how to construct programs that comply with Proposition 209.[47] Subsequently, a court distinguished between outreach efforts "designed to broaden the pool of potential applicants without reliance on . . . impermissible race or gender classifications" and those that discriminate against or grant preferences to individuals or groups based upon race or gender. The court declared the latter prohibited, but not the former.[48] The University of California, however, had reconstructed its programs to no longer use race and ethnicity in identifying recipients of outreach long before these court and legislative decisions were made.

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[42] Anthony Perry, "Asians Make Big Gains at UCSD," *Los Angeles Times*, June 19, 1987, Metro, part 2, p. 1; David Smollar, "Colleges Wooing Minority Students Younger and Younger," *Los Angeles Times*, Metro, part 2, p. 1.

[43] "Opening the Door Wider"; Ralph Frammolino, "UC Plans to Boost Aid to Minorities," *Los Angeles Times*, p. A-3.

[44] "Southern California Voices/A Forum for Community Issues," *Los Angeles Times*, Nov. 30, 1996, Metro, part B, p. 7. The Young Black Scholars program was described by Virginia Hathaway, interim director of the program in Los Angeles.

[45] *See* "Opening the Door Wider," p. 4; Perry, "Asians Make Big Gains at UCSD."

[46] Dave Lesher, "California and the West; Davis Rejects Gender, Racial Hiring Efforts," *Los Angeles Times*, July 29, 1999, p. A-3.

[47] Hi-Voltage Wire Works Inc. et al. v. City of San Jose et al., 24 Cal. 4th 537 (2000). *See, e.g.*, Maura Dolan, "State Justices Deal New Setback to Affirmative Action," *Los Angeles Times*, Dec. 1, 2000, p. A-1.

[48] *See* Ward Connerly v. State Personnel Board et al., and California Business Council for Equal Opportunity et al., 2001 CA (Cal. Ct. App., 3rd App. Dist.) C032042, p. 33.

Outreach Programs Under the Race Ban

To refocus the programs not to directly use race to identify schools to receive outreach, UC's president, Richard C. Atkinson, directed the campuses to target schools that had significant educational disadvantages, such as limited college preparatory courses and a poor record of sending students to the university.[49] Even before any prohibition was issued against targeting outreach programs to particular races or ethnic groups, Atkinson had decided to focus programs using geographic distribution, income level, or lower socioeconomic background, and high schools with low numbers of students going to UC—criteria he claimed would primarily reach black and Latino high schools.[50]

In 1997, because of anticipated drops in the numbers of black and Latino students admitted, UC's Board of Regents recommended a major expansion of, often doubling, the university's college-prep programs in high schools and the extension of them deeper into middle and elementary schools.[51] The expanded effort included:

- Academic enrichment programs, such as the Early Academic Outreach Program now focused on disadvantaged schools.[52] The plan called for UC campuses to adopt 50 low-performing high schools, about 100 middle schools, and 300 elementary schools.[53] In 2000, UC was involved in 7 or 8 percent of schools in California.[54]
- Mentoring programs by which UC students make contact with California's public school students and their parents.[55]
- Plans for improving teaching skills in low-performing schools and for teacher recruitment and retention programs.[56]
- Scholarships for disadvantaged students.[57]
- Programs to assist community college students in transferring to UC.[58]

Examples of programs to increase college eligibility among minority students are (1) UC Irvine's Partnership to Accelerate College Eligibility (PACE), started in 1997 in five poor school districts

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[49] Amy Wallace, "New UC Chief to Seek Input on 'Downsizing' Bureaucracy," *Los Angeles Times*, Oct. 3, 1995, p. A-3; Wallace, "Los Angeles Times Interview; Richard Atkinson; Maintaining a Diverse UC in a Post Affirmative-Action World"; Kenneth R. Weiss, "UC Proposes Push to Ready Disadvantaged for College," *Los Angeles Times*, May 21, 1997, p. A-1.

[50] Wallace, "Los Angeles Times Interview; Richard Atkinson; Maintaining a Diverse UC in a Post Affirmative-Action World."

[51] Weiss, "UC Proposes Push to Ready Disadvantaged for College"; Amy Wallace, "UC Regents Panel OKs Minority Outreach Plan," *Los Angeles Times*, July 18, 1997, p. A-3.

[52] Weiss, "UC Proposes Push to Ready Disadvantaged for College."

[53] Ibid.; Amy Wallace, "UC Regents Panel OKs Minority Outreach Plan."

[54] Kenneth R. Weiss, "Los Angeles Times Interview; Alex Saragoza," *Los Angeles Times*, July 16, 2000, p. M-3.

[55] Wallace, "New UC Chief to Seek Input on 'Downsizing' Bureaucracy"; Weiss, "UC Proposes Push to Ready Disadvantaged for College."

[56] Wallace, "UC Regents Panel OKs Minority Outreach Plan."

[57] Ibid.

[58] Weiss, "UC Proposes Push to Ready Disadvantaged for College."

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to raise the reading skills of second graders, prepare middle school students for algebra, and get high school students ready for the SAT;[59] (2) Berkeley's program, Break the Cycle, in which university students give individual math instruction to neighboring poor and minority students;[60] and (3) UC San Diego's charter school, the Preuss School, which grooms needy middle and high school students for the rigors of elite colleges with in-depth instruction, extended class periods, longer than usual school days and school years, and mentoring.[61]

Yet, while UC outreach programs are no longer targeted by race or ethnicity, there are some privately funded programs for underrepresented minority groups. A UC Santa Barbara project, called Engaging Latino Communities for Education or ENLACE, was implemented in 2001 and funded through the W.K. Kellogg Foundation with a $1.5 million grant. The plan targeted three areas in California and called for educating families about college options, showing bilingual public service commercials and video histories of Latino leaders on cable stations, and assigning Latino college students as mentors to grade-schoolers. It emphasized literacy for students in elementary grades, college preparation for high school students, and retention for college students.[62]

Affirmative Action and Outreach at Professional Schools

Officials at UC medical and law schools recognize a vast need to increase the numbers of underrepresented students among enrollees in the professional schools.[63] To combat shortages of African American and Latino professionals in medicine and law, university officials emphasize a need for outreach targeted to underrepresented minority groups and for an overhaul of admissions to include nonacademic criteria and lowered entrance requirements, not necessarily nonqualifying ones, for these students. The decision to eliminate race-based affirmative action in admissions hurt professional schools through both outreach and admissions practices.[64]

Current outreach programs for professional education include high school science fairs aimed at motivating more young minority students to consider becoming physicians, and incentive programs, for example, that assist new medical school graduates with paying off large school loans in exchange for agreeing to work in underserved communities.[65]

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[59] Randal C. Archibold, "Young College Try; UCI Pilot Program Aims to Raise Minority Students' Junior High Grades, University Admission Rates," *Los Angeles Times*, Nov. 22, 1997, Metro, part B, p. 1; "Orange County Perspective, Helping Poor Kids Beat the Odds," *Los Angeles Times*, Dec. 14, 1997, Metro, part B, p. 6.

[60] Weiss, "UC Proposes Push to Ready Disadvantaged for College."

[61] Martha Groves, "Nurturing Seeds of College Success; Concerned About Disadvantaged Students' Poor Preparation for Admission to Top Universities, UC San Diego Is Starting Its Own School to Help Them Get Ready," *Los Angeles Times*, Aug. 18, 1999, Metro, part B, p. 2.

[62] Jenifer Ragland, "Steering Latinos Toward College," *Los Angeles Times*, Ventura County Edition, May 18, 2001, California section, part 2, p. 1.

[63] Herma Hill Kaybym and Michael Sharlot, "Affirmative Action Was a Success," *Los Angeles Times*, Aug. 29, 1997, Metro, part B, p. 9; Antonio Olivo, "Doctor Shortage Severe in Poor Areas," *Los Angeles Times*, Apr. 19, 1999, p. A-1.

[64] Olivo, "Doctor Shortage Severe in Poor Areas."

[65] Ibid.

Conclusion

The University of California has used a statewide 12.5 percent plan for college admissions for decades both with and without affirmative action. Bans on the use of race for admissions imposed in the late 1990s resulted in reductions in the already small proportions of African American, Hispanic, and Native American students admitted and enrolled in the system, as demonstrated here with undergraduate and professional school data. The university has instituted modifications to its admissions plan to help diversify the student population, including a 4 percent plan to admit the top students in any California high school, initiated for fall 2001, and a comprehensive review process, used first for fall 2002. These changes have led to small increases in the presence of these underrepresented minority groups. However, the success of the new policies is often judged against the year before the race ban was imposed, when anticipation of implementation had apparently already led to the dismantling of some affirmative action programs. The proportions of African Americans, Hispanics, and Native Americans are not as high as those in the 1995–96 school year, when admissions processing occurred before the race ban was announced. Furthermore, the proportions of these underrepresented groups were not large even under affirmative action, and higher admission rates have not always translated into higher enrollment rates.

The University of California operates an array of outreach programs intended to increase students' rates of eligibility for college. Before the race ban, these programs were known as affirmative action and targeted to minority students. Because of the race ban, the university targeted the programs more generally to disadvantaged students, doubled their outreach efforts and extended them deeper into middle and elementary schools. The effects of these efforts were also represented in the analysis of trends in admissions and enrollment data that revealed only small increases in the presence of underrepresented minority groups on UC campuses. However, the full effects of academic enrichment programs to middle and elementary school students will not be known for years to come.

The University of California system differs from those in Texas and Florida, which are analyzed below, in several ways. First, the analysis of California shows the effects of a race ban, since the percentage plan has been in place for decades. In Texas and Florida, analyses show the before and after effects of percentage plans adopted together with race bans. Second, the 12.5 percent plan applies only to California's research institutions, that is, the University of California system. Texas and Florida imposed the percentage plan more broadly. Third, in California students must be in the top 12.5 percent of students statewide to gain admission to UC. The 4 percent plan relaxed this criterion so that the best students in each high school would qualify even if they were not in the top 12.5 percent statewide. In Texas and Florida the percentage is applied to the students' high schools, not statewide.

STATE OF TEXAS

Overview

The March 1996 ruling in *Hopwood v. State of Texas* by the Fifth Circuit Court of Appeals abolished the use of race or ethnicity as a college recruitment, admission, financial aid, and student retention criterion in Texas.[66] Centering on the University of Texas School of Law, the ruling

[66] Hopwood v. State of Texas, 78 F.3d 932 (5th Cir. 1996), *cert. denied*, 518 U.S. 1033 (1996). USCCR, *Toward an Understanding of Percentage Plans*; Texas Higher Education Coordination Board, "Report on the Effects of *Hop-*

found that by considering race or ethnicity in its admissions process the law school was violating the U.S. Constitution's 14th Amendment.[67] The court's decision ended Texas' use of the "Classic Model," which incorporated affirmative action, for making admissions decisions.[68] With its history of segregation, Texas had been hindered in its efforts to establish an effective affirmative action college admissions policy. Partial success was only achieved in the late 1980s, when minority enrollment increased slowly and only slightly.[69]

The *Hopwood* decision has had a lasting impact on the participation of minority group members in Texas' institutions of higher learning, especially at its flagship institutions. Minority undergraduate and graduate enrollment and admissions have largely, except for the rare instance, declined at Texas' public institutions. This is true for the state's premier schools and programs, including the University of Texas at Austin (UT-Austin) for undergraduate schools and UT School of Law and the University of Texas Medical Branch at Galveston School of Medicine (UTMB) for professional programs. To address the dearth of and decline in minority undergraduate students, Texas instituted a percentage plan aimed at maintaining minority group access to colleges and universities.[70] The burden of maintaining minorities' access to professional programs has fallen to Texas' public institutions of higher learning because the percentage plan does not apply to professional programs.

The following analysis reveals that Texas' public institutions are providing fewer minorities with an opportunity to obtain a quality, if any, undergraduate education. Minority group members seeking to pursue professional academic training also face an often insurmountable barrier. Data analysis of undergraduate and professional enrollments and admissions pre- and post-*Hopwood*

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wood on Minority Applications, Offers, and Enrollment at Public Institutions of Higher Education in Texas," 1998, <http://www.thecb.state.tx.us/cfbin/ArchFetch.cfm?DocID=16&Format=HTML> (hereafter cited as Texas Higher Education Coordination Board, "Effects of *Hopwood*"). Affirmative action plans in higher education were also struck down in the states of Louisiana and Mississippi as they fall under the Fifth Circuit Court of Appeals jurisdiction. It must be noted that a Texas A&M University associate dean views the initial *Hopwood* decision as more limited in scope and attributes its extension to scholarships and recruiting to former Texas Attorney General Dan Morales. *See* " '*Hopwood*' Ruling Could Roll Back Texas A&M's Minority Progress," February 1999, <http://www.tamu.edu/univrel/aggiedaily/news/stories/99/022599-12.html> for this discussion.

[67] Texas Higher Education Coordination Board, "Effects of *Hopwood*."

[68] Gary M. Lavergne and Bruce Walker, *Implementation and Results of HB 588 at the University of Texas at Austin, Report No. 3*, p. 2. The Classic Model relied heavily on "SAT scores . . . high school class rank, and a required high school curriculum." It also incorporated affirmative action and considered the "extent to which students exceeded high school curriculum requirements." The University of Texas used the Classic Model during the years immediately preceding *Hopwood*. Affirmative action addressing higher education in Texas has been guided by three successive statewide planning documents. From 1983 to 1988, the Texas Educational Opportunity Plan for Higher Education was based on negotiations between Texas and the federal government resulting from the *Adams v. Richardson* lawsuit. Although Texas was not party to the suit, the U.S. Department of Education's Office for Civil Rights determined that Texas had segregated African Americans in higher education and that vestiges of that dual system continued in 1979. Between 1989 and 1994, Texas addressed discrimination in higher education based on the Texas Plan, which it voluntarily developed and implemented. Finally, Access and Equity 2000 was developed and implemented in 1994, two years prior to the *Hopwood* decision. *See* Texas Higher Education Coordination Board, "Higher Education in Texas: 1998 Status Report," 1998, <http://www.thecb.state.tx.us/reports/HTML/0089/statbod.htm>.

[69] The Texas Commission on a Representative Student Body, "Report of the Texas Commission on a Representative Student Body," Oct. 15, 1998, <http://www.uhsa.uh.edu/TCRSB/report.html>. *See* footnote 3 for a historical discussion of Texas' higher education affirmative action efforts.

[70] The percentage plan is discussed in detail below.

reveal an overall, sometimes drastic, decline in the number of minorities. This staff analysis updates the Commission's earlier findings in its 2000 statement *Toward an Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?* which focused on UT-Austin. The current paper expands the analysis of professional programs to test the impact of the *Hopwood* decision on professional school admissions because Texas' percentage plan does not apply to professional schools.[71] Data sources include the Texas Higher Education Coordinating Board, Education Data Center; the University of Texas at Austin, Office of Admissions; and a report examining the implementation and results of the Texas Top 10 Percent Law.[72]

Table 2.7
Texas Public Institutions

Institutions in Texas A&M University System	
Prairie View A&M University	Tarleton State University
Texas A&M International University	Texas A&M University
Texas A&M University at Galveston	Texas A&M University-Commerce
Texas A&M University-Corpus Christi	Texas A&M University-Kingsville
Texas A&M University-Texarkana	West Texas A&M University
Institutions in Texas State University System	
Angelo State University	Lamar University
Sam Houston State University	Southwest Texas State University
Sul Ross State University	Sul Ross State University-Rio Grande College
Institutions in the University of Texas System	
University of Texas at Arlington	University of Texas at Austin
University of Texas at Dallas	University of Texas at Brownsville
University of Texas at El Paso	University of Texas-Pan American
University of Texas of the Permian Basin	University of Texas at San Antonio
University of Texas at Tyler	University of Texas Health Science Center at Houston Medical School
University of Texas Medical Branch at Galveston School of Medicine	Texas Tech University Health Sciences Center School of Medicine
University of Texas Health Science Center at San Antonio School of Medicine	
Institutions in the University of Houston System	
University of Houston	University of Houston-Clear Lake
University of Houston-Downtown	University of Houston-Victoria

[71] Flagship undergraduate Texas institutions are the University of Texas at Austin and Texas A&M University. The four public institutions conferring law degrees in Texas are the University of Texas School of Law, University of Houston Law Center, Texas Southern University Thurgood Marshall School of Law, and Texas Tech University School of Law. Furthermore, although the University of Texas System includes six health institutions, the Texas Higher Education Coordinating Board, Education Data Center only provided the Commission with data on the University of Texas Medical Branch at Galveston School of Medicine, the University of Texas Health Science Center at Houston Medical School, and the University of Texas Health Science Center at San Antonio School of Medicine. Data were not available for the University of Texas Southwestern Medical Center at Dallas, the University of Texas MD Anderson Cancer Center, or the University of Texas Health Center at Tyler.

[72] The report is *Implementation and Results of the Texas Automatic Admissions Law HB 588*, by Gary M. Lavergne and Bruce Walker.

Table 2.7 (continued)

Non-System Institutions	
Midwestern State University	Stephen F. Austin State University
Texas Southern University	Texas Southern University
Texas Tech University	Texas Woman's University
University of North Texas	
Institutions to Which the 10 Percent Plan Applies	
All Texas public institutions offering undergraduate programs	
Institutions in This Analysis	
University of Texas-Austin	University of Texas Health Science Center at Houston Medical School
University of Texas Medical Branch at Galveston School of Medicine	Texas Tech University Health Sciences Center School of Medicine
University of Texas Health Science Center at San Antonio School of Medicine	
Reason for Inclusion in the Study	
Flagship status	
Selective status	
Key professional institutions	

Source: Compiled from various sources.

The Texas Top 10 Percent Law

Following the *Hopwood* decision, the state of Texas instituted an admissions percentage plan (HB 588) in 1998.[73] The plan guarantees high school graduates in the top 10 percent of their class admission to Texas' public institutions of higher learning.[74] Unlike the percentage plans in California and Florida, Texas' plan guarantees eligible first-time freshman students admission to the Texas public institution of their choice.[75]

HB 588 requires institutions to review the academic records and other factors they deem appropriate of non-top 10 percent applicants to determine individual abilities to perform university-level work.[76] This assessment also resolves whether an applicant would benefit from a retention program. Universities may require academically deficient students to enroll in enrichment courses and orientation programs during their academic career.[77] UT-Austin[78] has established

[73] American Council of Education, Center for Policy Analysis, "Percentage Plans for College Admissions," *ACE Issue Brief*, January 2001, <http://www.acenet.edu/resources/reports/percentage-plans.pdf> (hereafter cited as ACE, "Percentage Plans").

[74] TEX. EDUC. CODE ANN. § 51.803(a) (1997); ACE, "Percentage Plans."

[75] TEX. EDUC. CODE ANN. §§ 51.802–51.803(a) (1997); USCCR, *Understanding Percentage Plans*; ACE, "Percentage Plans."

[76] TEX. EDUC. CODE ANN. § 51.805(b) (1997); Bruce Walker, *Implementation and Results of HB 588, Report 1: The University of Texas at Austin*, The University of Texas Admissions Research at Austin, November 1998, <http://www.utexas.edu/student/research/reports/admissions/HB588.html> (hereafter cited as Walker, *Implementation and Results*).

[77] TEX. EDUC. CODE ANN. § 51.803(b) (1997).

guidelines that direct its retention officer to carefully review the files of top 10 percent students who have "weak high school preparation or . . . extremely low SAT/ACT test scores . . . to determine the appropriate academic support required for success."[79]

The Texas plan also provides public universities with admissions guidelines for students not ranked in the top 10 percent of their class. In addition to considering a student's academic performance, universities are instructed to "consider all of, any of, or a combination of" 17 other factors when determining whether to admit a first-time freshman applicant,[80] including:

- Socioeconomic background, including household income and parent's level of education.
- Whether an applicant is bilingual.
- The financial status of the applicant's school district.
- The performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency.
- An applicant's responsibilities outside of school, including employment and assisting in raising a child.
- An applicant's performance on standardized tests.
- An applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds.
- An applicant's personal interview.
- Any other consideration an institution deems necessary in accomplishing its stated mission.[81]

Texas A&M[82] may provide a limited number of those lacking college preparatory coursework or strong academic credentials provisional admission contingent upon successfully completing a summer school program at the university.[83]

UT-Austin, the University of Texas System, and Texas A&M also responded to *Hopwood*. UT-Austin ensures top 10 percent students enrollment in their choice of major, with the exceptions of the architecture and fine arts programs.[84] According to UT-Austin's admissions office, students

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[78] The University of Texas at Austin is part of the 15-member (nine academic universities and six health institutions) University of Texas System.

[79] Walker, *Implementation and Results*.

[80] TEX. EDUC. CODE ANN. § 51.805 (1997).

[81] *Id.*

[82] Texas A&M University is part of the nine-member Texas A&M University System.

[83] Texas A&M University, Office of Admissions, "Freshman Admission—2002," November 2002, <http://www.tamu.edu/admissions/Undergrad/ubook01/a_fresh.htm>.

[84] Walker, *Implementation and Results*; Wayne J. Camara, "Pursuing Campus Diversity After Affirmative Action: An Assessment of Class Rank Plans for College Admissions," *Association of American Colleges and Universities, Diversity Digest*, Spring/Summer 2000, <http://www.diversityweb.org/Digest/Sp.Sm00/affirmative.html>. Enrollment in the architecture program is determined by the department faculty, who consider more than class rank, while fine arts faculty base enrollment in music and dance on the results of a student's audition.

admitted into their first-choice major enroll more frequently than students who are offered admission to their second choice.[85] Students recruited by the academic institutions in the UT system are given information on the educational opportunities available to them at these universities.[86] Recruitment of "socially and economically disadvantaged students" is enhanced by innovative approaches to meeting financial aid needs, according to officials.[87] UT system institutions also run student retention programs.[88]

In December 2001, Texas A&M University System regents tentatively approved a plan that would permit the university to pursue the top 20 percent of students at approximately 250 Texas high schools that had been deemed low performing or disadvantaged.[89] The goal: to automatically admit to Texas A&M graduating seniors from these schools who ranked in the top 20 percent of their class if they met the university's requirements for curriculum, grade point average, and standardized test scores.[90] However, unresolved legal concerns prompted university officials to table the proposal temporarily in March 2002.[91] When revived, the plan will include about 100 eligible high schools and be on sounder legal footing given standards set after the *Hopwood* decision, according to university officials.[92]

Other universities in Texas have also created policies within the legal boundaries established by *Hopwood* for increasing minority enrollment. Texas Tech University, for instance, has been increasing the opportunity for students to participate in retention programs at the college and university levels.[93] According to university officials, many ongoing programs target underrepresented groups and will provide greater diversity among students in the next few years.[94]

Effects of *Hopwood* on Minority Enrollment

During the years immediately preceding *Hopwood*, the University of Texas used what was known as a "Classic Model" for making admissions decisions, which relied on the combined SAT score and high school class rank, but this method alone had not produced diverse classes.[95]

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[85] Walker, *Implementation and Results*.

[86] The University of Texas System, Special Regental Committee on Minorities and Women, "A Time for Fulfillment: The 21st Century Commitment to Equal Opportunity in the University of Texas System," July 2000, p. 2. Recruitment efforts are universal, not solely directed at minority students.

[87] Ibid.

[88] Ibid.

[89] Linda K. Wertheimer, "A&M Tries New Diversity Tactic: University Wants to Target Top 20% at 250 Low-Ranking Schools," *Dallas Morning News*, Feb. 10, 2002, p. 1A; Lydia Lum, "Texas A&M Admission Proposal Draws Controversy," *Black Issues in Higher Education*, vol. 18 (January 2002), p. 10.

[90] "Texas A&M Shelves Pilot Enrollment Plan," *Black Issues in Higher Education*, vol. 19 (March 2002), p. 14.

[91] Ibid.; Diana Abouali, "Affirmative Action's Uncertain Future: Proponents of Race-Conscious Admissions Firm on Belief, But Less Confident on Whether Policy Could Survive a Supreme Court Review," *Black Issues in Higher Education*, vol. 19 (March 2002), p. 13; Ron Nissimov, "Detouring Toward Diversity, Schools Pushing Limits of *Hopwood* Ruling," *Houston Chronicle*, May 5, 2002, p. 1A.

[92] Nissimov, "Detouring Toward Diversity."

[93] Texas Tech University, "Agency Strategic Plan, Fiscal Years 2001–2005," June 2001, p. 24.

[94] Ibid.

[95] Gary M. Lavergne and Bruce Walker, *Implementation and Results of the Texas Automatic Admissions Law HB 588, Report No. 4*, p. 2.

The SAT, like virtually all standardized tests, has a well-documented history of differential performance gaps among socioeconomic and racial/ethnic groups and between genders.[96] As a result, to meet its diversity goals, and in order to enroll a freshman class whose demographics bore some resemblance to the state's, the university continued to use the Classic Model, with affirmative action, until *Hopwood* forced its removal.[97]

In 1994, prior to *Hopwood*, whites made up 64 percent of the total enrollment at UT-Austin. Minorities accounted for 36 percent; blacks made up 5 percent and Hispanics accounted for nearly 15 percent. During the next two years, the percentage of whites and Hispanics continued to increase slightly as the percentage of blacks continued to decline. The summer/fall 1996 freshman class was the last one to be admitted under the Classic Model. In 1996, the percentage of whites and Hispanics enrolled at UT-Austin increased from the previous year to 65 and 16 percent, respectively, but the percentage of enrolled blacks decreased by one percentage point to 4 percent. By 1997, minority enrollment as a percentage of the total enrollment had declined to its lowest point since 1994; blacks accounted for less than 3 percent of the total enrollment at the UT-Austin and Hispanics accounted for nearly 13 percent (see figure 2.4).

Between 1997 and 1999, after the *Hopwood* decision, minority enrollment for both blacks and Hispanics increased (see figure 2.4). The largest increase in minority enrollment occurred between 1998 and 1999, which was the first year that the percentage plan was in effect. The enrollment rate of Asian Pacific Americans also increased, and by 2000, Asian Pacific Americans accounted for 17 percent of all freshmen enrolled at UT-Austin.[98] Between 1999 and 2000, Hispanic enrollment at UT-Austin decreased by one percentage point to 13 percent and the enrollment rate for blacks remained unchanged at 4 percent.

By 2001, the enrollment rates for blacks had decreased to 3 percent from 4 percent in 2000. Although the enrollment rate for blacks decreased, those rates for both Hispanics and Asian Pacific Americans increased. Hispanic enrollment rates increased slightly to 14 percent from 13 percent. Enrollment rates for Asian Pacific Americans increased to 19 percent (an all-time high) from 17 percent.[99] The enrollment rate for whites was at an all-time low of 61 percent. The 2001 enrollment rates for both blacks and Hispanics were lower than the pre-*Hopwood* rates (see figure 2.4).

The University of Texas-Austin still struggles to recruit black students, who constitute 12 percent of the state's population.[100] Bruce Walker, the university's admissions director, stated, "We haven't found that magic that makes the numbers jump quickly as we have with Hispanics and Asians."[101] University administrators continue to modify the implementation of the law. For example, UT-Austin recently started a "Keep Texans in Texas!" plan, which matches scholarship offers from

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[96] Ibid.

[97] Ibid.

[98] Ibid., p. 4.

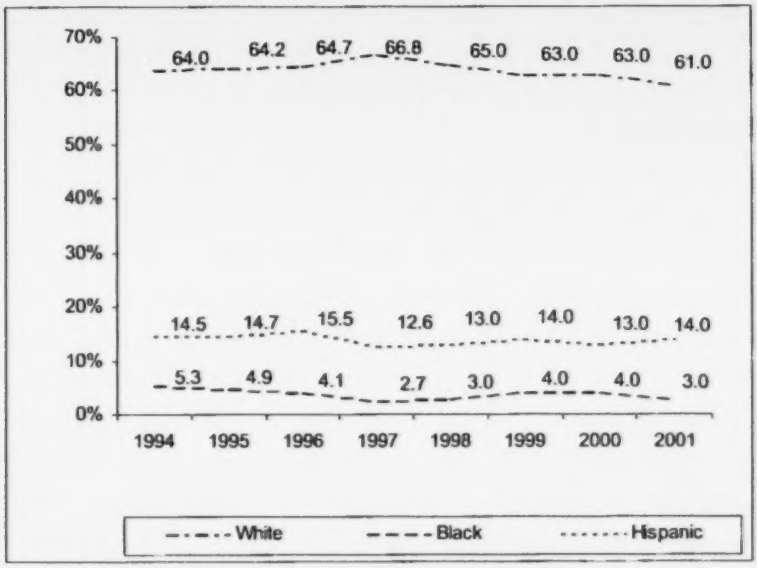
[99] Ibid.

[100] Jim Yardley, "The 10 Percent Solution," *New York Times* (Education Life), Apr. 14, 2002, p. 29.

[101] Ibid.

out-of-state universities made to students in 130 high schools, in an effort to attract and retain students from the state.[102]

Figure 2.4
The Effects of *Hopwood* on Minority Enrollment at UT–Austin, 1994–2001



Source: University of Texas at Austin, Office of Admissions, *Implementation and Results of HB 588*, Report 2; Gary M. Lavergne and Bruce Walker, *Implementation and Results of the Texas Automatic Admissions Law HB 588*, Report 4, p. 4.

Although the number of undergraduate minorities applying to the University of Texas-Austin has continued to increase since 1996, the percentage of those applying who are admitted has declined and the number of those admitted who enroll has also declined. In 1996, 809 blacks applied to UT-Austin and more than half were admitted. By 2001, the number of blacks applying to UT-Austin had increased by 24 percent, but the percentage of applicants who were admitted had decreased by 19 percentage points. Only 38 percent of black applicants were admitted in 2001 and of those admitted only 266 enrolled. A pattern similar to that of blacks is evident for Hispanics. In 1996, 2,492 Hispanics applied to UT-Austin and 65 percent of those applicants were admitted. By 2001, the number of Hispanics applying to UT-Austin had increased by 20 percent but the percentage of applicants who were admitted had decreased by 15 percentage points (see table 2.8).

The acceptance rate (referred to here as the percentage of applied admitted) may better gauge the impact of percentage plans. Table 2.8 shows the existence of an alarming trend: acceptance rates have not kept pace with the number of minority students applying to the UT-Austin.

[102] Ibid.

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Table 2.8
UT-Austin Undergraduate Admissions Statistics by Ethnicity

	Applied	Admitted	Percent of applied admitted	Enrolled
1996				
White	10,584	6,571	62.0	4,159
Black	809	461	57.0	266
Hispanic	2,492	1,617	64.9	932
1999				
White	10,406	6,802	65.4	4,084
Black	957	452	47.2	251
Hispanic	2,615	1,498	57.3	861
2001				
White	11,164	6,720	60.2	3,684
Black	999	380	38.0	205
Hispanic	2,998	1,513	50.5	832

Source: University of Texas at Austin, Office of Admissions, *Implementation and Results of HB 588*, Report 2; Gary M. Lavergne and Bruce Walker, *Implementation and Results of the Texas Automatic Admissions Law HB 588*, Report 4, p. 4.

Admissions Under the 10 Percent Plan

The automatic admissions policy mandated by HB 588, or the 10 percent plan, has had an impact on enrollment and admission at the University of Texas-Austin. The number of minority freshmen admitted to UT-Austin continued to increase during the first three years of the plan. The largest increase in the number of minorities admitted to UT-Austin occurred between 1998 and 1999, when 125 more blacks and 177 more Hispanics were admitted (see table 2.9). Such increases are partially results of an increase in the number of students applying because of new efforts that encourage minority high school students to attend UT-Austin.[103]

The greatest change in the rate of the top 10 percent of students admitted to UT-Austin occurred between 1998 and 1999, when the percentage of blacks and Hispanics admitted increased by 87 and 24 percent, respectively (see figure 2.5). This increase is partially explained by a change in the university's recruitment policy and the reassessment of recruitment, retention, and scholarship programs that occurred during that time.[104] Historically, UT-Austin had admitted students from only about 50 of the same schools within the state. The new policy had not brought about aggressive recruitment of students from Texas high schools that historically had sent few students to the University of Texas. As a result, recruiters began targeting students in ninth and 10th grades as prospects for the program. To draw students attending schools traditionally underrepresented to UT-Austin, the Longhorn Scholarship program, aimed at specific low-income high schools, was also created and awarded 64 four-year need-based scholarships in its first year.

[103] USCCR, *Understanding Percentage Plans*, p. 3.

[104] John F. Kain and Daniel M. O'Brien, "*Hopwood* and the Top 10 Percent Law: How They Have Affected the College Enrollment Decisions of Texas High School Graduates" (paper presented at the National Bureau of Economic Research Meeting on Higher Education, Boston, MA, Nov. 9, 2001), p. 5.

Table 2.9
Top 10 Percent of Students Admitted to UT-Austin by Ethnicity

	White	Black	Hispanic
1997 – before percent plan	2,262	118	613
1998 – 1st year of plan	2,561	143	734
1999 – 2nd year of plan	2,753	268	911
2000 – 3rd year of plan	3,182	291	1,020
2001 – 4th year of plan	3,213	245	1,012

Source: Gary M. Lavergne and Bruce Walker, *Implementation and Results of the Texas Automatic Admissions Law HB 588*, Report 4, p. 4.

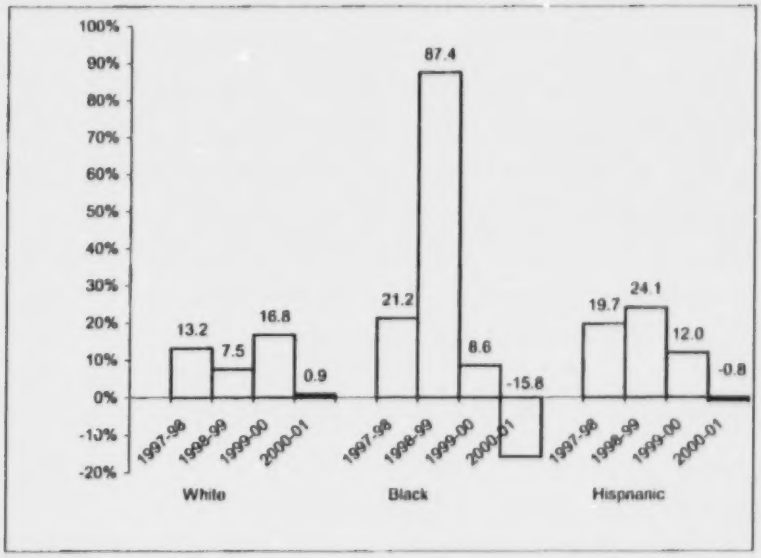
Between 1999 and 2000, the percentage of minorities being admitted to UT-Austin increased, but to a lesser extent. By the fourth year of the plan, the admittance rate for both blacks and Hispanics decreased. Between 2000 and 2001, the number of black students admitted to UT-Austin fell by nearly 16 percent, a rate nearly 14 times greater than that for Hispanic students (see figure 2.5). The reason for the decline in minority enrollment, especially for blacks, is unclear. But what is clear is that efforts such as recruitment, financial aid, and academic support attract and retain minorities. As stated by Gary Orfield, co-director of the Civil Rights Project at Harvard, "if you have a percent plan without those, you don't have too much."[105]

A statewide survey of minority high school students concluded that universities need to increase recruitment efforts and improve communication about financial aid opportunities.[106] Students indicated that a welcoming campus environment, financial and academic assistance, and multicultural programs were the three top factors that could improve retention of minority students.

[105] Yardley, "The 10 Percent Solution," p. 29.

[106] Texas A&M University, "How the *Hopwood* Decision Has Affected Texas Universities," *Aggie Daily*, p. 1, <http://www.tamu.edu/univrel/aggiedaily/news/stories/archive/021398-1.html>.

Figure 2.5
Change in the Top 10 Percent of Students Admitted to UT-Austin by Ethnicity, 1997–2001



Source: Data calculated from table 2.9.

Minority Professional Enrollment and Admissions in Selected Programs Pre- and Post-*Hopwood*

The *Hopwood* decision immediately affected the enrollment of African Americans and Hispanics in Texas' public law and medical schools, causing a significant drop in the number of African American and Hispanic law and medical students.[107] Since HB 588 does not apply to professional schools, it plays no role in providing equal access to professional schools for minority students. Thus, Texas professional schools are not legally required to accept the top 10 percent of college graduates from public and private colleges and universities throughout the state. The effects of *Hopwood* on minority enrollments and admissions in several professional schools are examined below.

University of Texas School of Law

The effects of the *Hopwood* decision on the UT School of Law, the premier public law school in the state, are apparent after analysis of enrollment data for the academic years 1996–97 through 2000–01.[108] In 1996–97, the final year in which affirmative action played a role in admissions policies, African Americans and Hispanics were 6.4 and 11.8 percent, respectively, of total en-

[107] Texas Higher Education Coordination Board, "Effects of *Hopwood*"; the Texas Commission on a Representative Student Body, "Report of the Texas Commission on a Representative Student Body," Oct. 15, 1998, <http://www.uhsa.uh.edu/TCRSB/report.html>.

[108] Note that for the academic years 1999–2000 and 2000–01 the number of students listed as Unknown/Not Reported are, respectively, 78 (5.7 percent) and 99 (7.0 percent). Although these numbers are substantial, statistically, the probability that all or most of them are members of a particular minority group is highly, if not wholly, improbable. However, being that we will never know the racial or ethnic makeup of these individuals the analysis must state this fact.

rolled students, while Asian Pacific Americans represented 5.8 percent and Native American/Alaska Natives[109] 0.6 percent of the student body. White students accounted for 73.7 percent of total enrolled students at this time. During the initial year of the restrictions imposed by *Hopwood*, 1997–98, both white and Asian Pacific American student enrollment increased. For white students, the enrollment percentage rose to 77 percent, while for Asian Pacific Americans it reached 6.6 percent. Conversely, African American enrollment dipped to 4.7 percent, Hispanic enrollment to 10.2 percent, and Native American/Alaska Native to 0.5 percent (see table 2.10).

Table 2.10
Student Enrollment by Race/Ethnicity, UT School of Law, 1996–97 through 2000–01

	1996-97	1997-98	1998-99	1999-00	2000-01
Total enrollment	1,513	1,415	1,377	1,380	1,406
White	1,115	1,089	1,043	1,040	1,014
	73.7%	77.0%	75.7%	75.4%	72.1%
Black	97	67	40	17	33
	6.4%	4.7%	2.9%	1.2%	2.3%
Hispanic	179	145	122	114	126
	11.8%	10.2%	8.9%	8.3%	9.0%
Asian Pacific American	88	94	90	83	73
	5.8%	6.6%	6.5%	6.0%	5.2%
Native American/AK Native	9	7	10	8	10
	0.6%	0.5%	0.7%	0.6%	0.7%
Unknown/Not reported	0	0	36	78	99
	–	–	2.6%	5.7%	7.0%
All minorities	373	313	262	222	242
	24.7%	22.1%	19.0%	16.1%	17.2%

Source: The University of Texas School of Law, Texas Higher Education Coordinating Board, Education Data Center.

In 1998–99, there was a decline in enrollment from the previous academic year for all groups, except Native American/Alaska Natives. However, only African American and Hispanic enrollments declined from 1996–97, the final pre-*Hopwood* year. Specifically, African Americans represented only 2.9 percent of enrolled students, while Hispanics represented 8.9 percent in 1998–99. The previous year, African American and Hispanic enrollments had been 6.4 and 11.8 percent, respectively. Academic year 1999–2000 witnessed a decline in enrollment across all groups compared with the previous year. However, once more, only African American and Hispanic enrollments were reduced from the pre-*Hopwood* numbers. The final year of the analysis reveals a decrease in the enrollment percentage of all groups, except Native American/Alaska Natives, from the final pre-*Hopwood* year (see table 2.10). Yet, perhaps most disturbing is the steady de-

[109] It must be noted that since the number of Native American/Alaska Native enrolled students is comparatively small, any change in percentages is also comparatively minor.

cline of minority enrollments from 1996 through 2000. In 1996–97, minorities represented 24.7 percent of enrolled students; by 1999–2000 they were only 16.1 percent of the student body. Although in 2000–01 minority enrollment rose to 17.2 percent, this was only a 1.1 percent increase from the previous academic year but an overall decline of 7.5 percent from 1996–97, the final pre-*Hopwood* year. Finally, it must be noted that both 1999–2000 and 2000–01 include large numbers of "Unknown/Not Reported" entries. If many or all of these enrollments were members of a specific minority group, however unlikely that probability is, this analysis would have to be revised to account for that.

Admissions at the Four Public Texas Law Schools

Declining minority enrollment numbers at the UT School of Law only reveal one aspect of the situation encountered by minority law school applicants in Texas.[110] Enrollment, of course, is contingent upon gaining admittance to the particular law school. In this respect, minorities have encountered varying degrees of success reliant upon the particular law school applied to. Admissions numbers are down for all minorities at the UT School of Law since the *Hopwood* decision while quite variable at the three other Texas public law schools. As seen in figures 2.6 through 2.10, all minority admissions numbers in 2000–01 were below those of the final pre-*Hopwood* year of 1996–97 at the UT School of Law.[111] Thus, while African Americans were gaining admission to the school at a rate of 5.9 percent in 1996–97, by 2000–01 this rate had dropped to 3.6 percent. Asian Pacific Americans, Hispanics, and Native American/Alaska Natives also experienced varying rates of decline over this period. The only group to have experienced a higher admissions rate than 1996–97 over this five-year period was Asian Pacific Americans. In 1997–98, the first year *Hopwood* was in effect, the admissions rate for this group was 9.9 percent, compared with 8.4 percent in 1996–97. Since then, however, admission rates have been below 8.4 percent for Asian Pacific Americans (see figures 2.6 through 2.10).

Of course, minority applicants in Texas have other law schools from which to choose, although the UT School of Law is the premier program in the state. Success has varied for minorities at the three other Texas public law schools. At the University of Houston Law Center (UH), the African American admissions rate in 2000–01 (3.2 percent) was below that of 1996–97 (3.7 percent) (see figures 2.6 and 2.10). Although peeking in 1998–99 at 4.1 percent (see figure 2.8), the admissions rate has been in decline since then (see figures 2.9 and 2.10). A similar scenario has developed for Hispanic admissions, although post-*Hopwood* rates have never surpassed the 10.5 percent of 1996–97 (see figures 2.6 through 2.10). Asian Pacific Americans are the only minority group with a higher admissions rate in 2000–01 (6.3 percent) than in 1996–97 (5.3 percent) (see figures 2.6 and 2.10).

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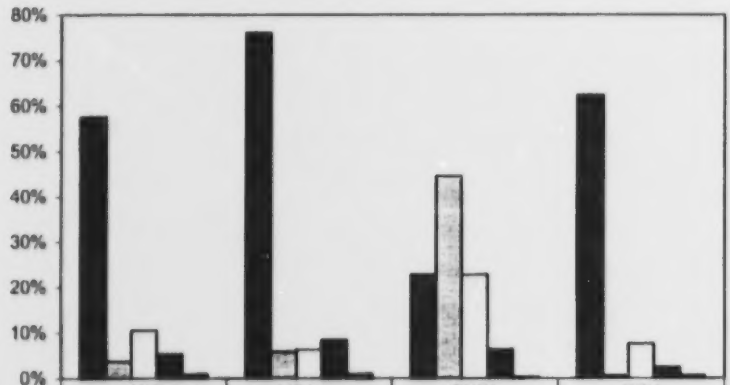
[110] In admissions data, UT-Austin specifies Mexican American as opposed to Hispanic and Asian American as opposed to Asian/Pacific Islander. The university chose to count Hispanics other than Mexican Americans in the "Other" category, since the "Other" category is predominately, and, at least for 1998 enrollments, exclusively non-Mexican-American Hispanic.

[111] The increase and decline in admissions numbers for African Americans at the UT-H (1996–97 through 1998–99) and Hispanics at UT-SA (1996–97 and 1997–98) are due to the small sample sizes (n). For African Americans at UT-H the sample sizes (n) are, respectively, 3 (1996–97),13 (1997–98), and 5 (1998–99). For Hispanics at UT-SA the sample sizes (n) are, respectively, 37 (1996–97) and 20 (1997–98).

Declining minority admission rates at the UT School of Law and the University of Houston Law Center have been addressed, to some degree, by the other two law schools examined, Texas Southern University Thurgood Marshall School of Law (TMSL) and Texas Tech University School of Law (TTU).[112] African American admission rates at TMSL, a historically black institution, have been higher every year, except for 1998–99, since the *Hopwood* decision. The same is true for TTU, although numbers are significantly below those of TMSL (see figures 2.6 through 2.10). Conversely, the rates of white admissions at TMSL from 1997–98 through 2000–01 have consistently been below that of 1996–97, while at TTU they have stayed above the final pre-*Hopwood* rate (see figures 2.6 through 2.10). The same generally holds true for Hispanic admission rates over this period, except that TMSL admitted a higher rate, often significantly higher, of Hispanic applicants than TTU did (see figures 2.6 through 2.10). Interestingly, although TMSL has had a higher admissions rate for Asian Pacific American applicants than TTU over this period, post-*Hopwood* rates have been below that of 1996–97, while at TTU they have generally been above (see figures 2.6 through 2.10).

Figure 2.6
Admission Offers at the Four Public Texas Law Schools, 1996–97



	UH	UT Law	TMSL	TTU
White	57.5%	76.1%	22.8%	62.4%
Black	3.7%	5.9%	44.4%	0.6%
Hispanic	10.5%	6.3%	22.8%	7.6%
Asian/Pacific Islander	5.3%	8.4%	6.4%	2.5%
Native American/Alaska Native	0.9%	1.0%	0.4%	0.7%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

[112] Texas Southern University Thurgood Marshall School of Law, "About Thurgood Marshall School of Law and Texas Southern University," 2002, <http://www.tsu.edu/law/aboutus/aboutus.htm>. TMSL is a historically black college established in 1947 and originally known as Texas State University for Negroes.

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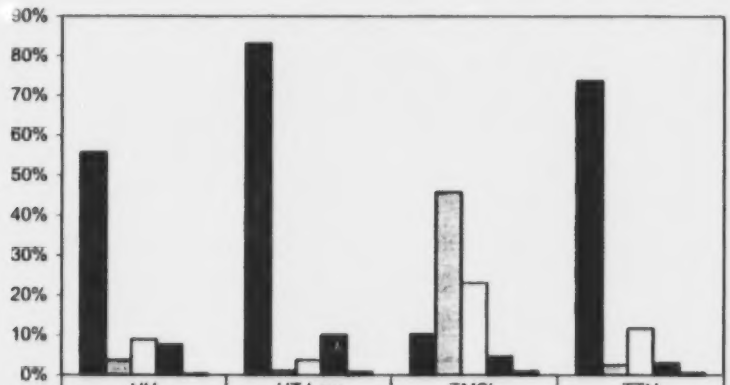
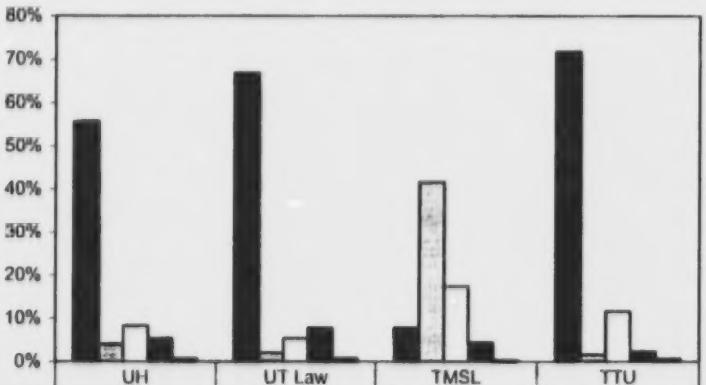
Figure 2.7
Admission Offers at the Four Public Texas Law Schools, 1997–98



	UH	UT Law	TMSL	TTU
White	55.8%	83.1%	10.2%	73.7%
Black	3.8%	1.0%	45.8%	2.5%
Hispanic	8.9%	3.7%	23.1%	11.6%
Asian/Pacific Islander	7.6%	9.9%	4.7%	2.9%
Native American/Alaska Native	0.3%	0.7%	1.0%	0.6%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

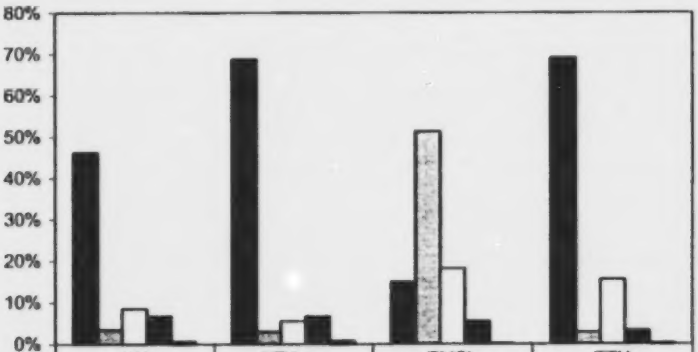
Figure 2.8
Admission Offers at the Four Public Texas Law Schools, 1998–99



	UH	UT Law	TMSL	TTU
White	55.6%	66.8%	7.9%	71.8%
Black	4.1%	2.1%	41.6%	1.7%
Hispanic	8.3%	5.3%	17.4%	11.6%
Asian/Pacific Islander	5.3%	7.8%	4.5%	2.4%
Native American/Alaska Native	0.7%	0.8%	0.3%	0.7%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

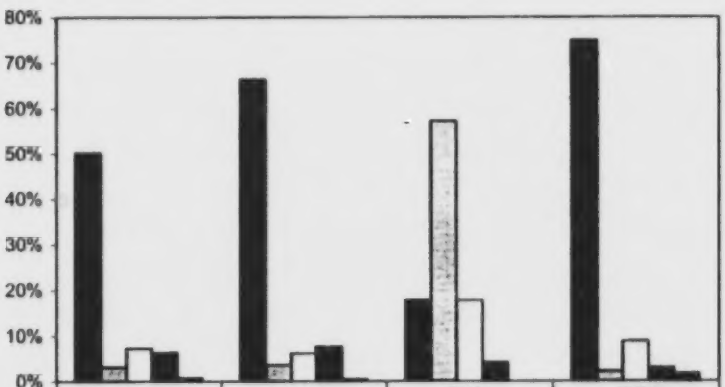
Figure 2.9
Admissions at the Four Public Texas Law Schools, 1999–2000



	UH	UT Law	TMSL	TTU
White	46.2%	68.7%	15.0%	69.1%
Black	3.5%	2.9%	51.3%	2.8%
Hispanic	8.5%	5.5%	18.2%	15.5%
Asian/Pacific Islander	6.7%	6.6%	5.6%	3.3%
Native American/Alaska Native	0.6%	0.7%	0.2%	0.3%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

Figure 2.10
Admission Offers at the Four Public Texas Law Schools, 2000–01



	UH	UT Law	TMSL	TTU
White	50.2%	66.3%	17.7%	75.0%
Black	3.2%	3.6%	57.2%	2.2%
Hispanic	7.3%	6.1%	17.7%	8.8%
Asian/Pacific Islander	6.3%	7.7%	4.2%	2.9%
Native American/Alaska Native	0.7%	0.5%	0.0%	1.6%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

As hinted at by the data, it is possible that minority law school applicants are being attracted to other than the premier law school in Texas by the abandonment of affirmative action in the state. Although minority admissions data from the three other law schools vary to some extent, the UT School of Law has admitted fewer minorities in every post-*Hopwood* year examined.[113]

University of Texas Medical Branch at Galveston School of Medicine

Overall, minority enrollment at the University of Texas Medical Branch (UTMB), the premier public medical school in Texas, did not decline as sharply as the UT School of Law. The latest data available, 2000–01, reveal an overall decline of 1.5 percent from the final pre-*Hopwood* year of 1996–97. Respectively, 49.9 percent of enrollments were minority in 1996–97, compared with 48.4 percent in 2000–01. The highest percentage of minority enrollments in the five-year period, 54.0 percent, occurred in the 1997–98 academic year. Since then, minority enrollment has steadily declined, with the sharpest drop occurring between the 1998–99 and 1999–2000 academic years, when overall minority enrollment fell to 50.6 percent from 53.9 percent (see table 2.11). However, only in the 2000–01 academic year was there a lower percentage of minority enrollment than the final pre-*Hopwood* year of 1996–97. Nevertheless, the most recent data on minority enrollment reveal that 5.6 percent fewer enrolled students are minorities than in the 1997–98 academic year, the highpoint of this analysis.

Minority group enrollment in 2000–01 was 1.5 percent less than in the final pre-*Hopwood* year of 1996–97. The percentage of minority students only declined by 1.5 percent because fewer Asian Pacific American students enrolled in 2000–01 than in 1996–97. Conversely, the percentages of African Americans, Hispanics, and Native American/Alaska Natives[114] enrolled at UTMB during 2000–01 are below their respective numbers of 1996–97. For example, in 1996–97, 11.8 percent of enrollments were African American; by 2000–2001 African Americans were 9.4 percent of enrolled students. Furthermore, except for Hispanics, who accounted for higher percentages of enrollment in 1997–98 (24.0 percent) and 1998–99 (24.8 percent) than they did in 1996–97 (22.3 percent), the enrollment of these groups has steadily declined since 1996–97. The sharpest reduction has been in African American enrollments, from 11.8 percent in 1996–97 to 9.4 percent in 2000–01. The difference between Hispanic and African American enrollment during 1997–98 and 2000–01 is only 0.3 percent.[115] However, unlike Hispanic enrollment, African American enrollment steadily declined over the five-year period of analysis (see table 2.11).

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[113] The University of Texas School of Law, Texas Tech University School of Law, and University of Houston Law School all report modifications of their admissions procedures, placing more weight on factors other than grade point average and scores on the primary law school admissions test, the LSAT. The University of Texas listed 19 "other" factors; Texas Tech University listed 15. The University of Houston noted that "other" factors now compose 70 percent of its admissions index, as compared with 30 percent devoted to the LSAT and grade point average, a reversal of earlier weighting. These three law schools also report an expansion of recruitment activities, including alumni contact with prospective students, direct faculty contact both on and off campus, active involvement by student groups, private scholarship development, and efforts to work with undergraduate institutions to develop and encourage participation in pre-law curriculums. *See* Texas Higher Education Coordination Board, "Effects of *Hopwood*," appendix F.

[114] As with the UT School of Law data, it must be noted that since the number of Native American/Alaska Native enrolled students is comparatively small, any change in percentages is also comparatively minor.

[115] This is the difference in the respective numbers of African American and Hispanic enrollments in 1996–97 compared with 2000–01 (i.e., African American 2.4 percent and Hispanic 2.1 percent) and for both groups in those academic years (i.e., 2.4 percent less 2.1 percent).

Table 2.11
Student Enrollment by Race/Ethnicity, UT Medical Branch at Galveston School of Medicine, 1996–97 through 2000–01

	1996–97	1997–98	1998–99	1999–2000	2000–01
Total enrollment	821	829	820	810	823
White	411	380	375	390	404
	50.1%	45.8%	45.7%	48.1%	49.1%
Black	97	99	94	79	77
	11.8%	11.9%	11.5%	9.8%	9.4%
Hispanic	183	199	203	177	166
	22.3%	24.0%	24.8%	21.9%	20.2%
Asian Pacific American	124	147	145	152	154
	15.1%	17.7%	17.7%	18.8%	18.7%
Native American/AK Native	6	3	0	2	1
	0.7%	0.4%	--	0.2%	0.1%
Unknown/Not reported	0	0	1	9	17
	--	--	0.1%	1.1%	2.1%
All minorities	410	448	442	410	398
	49.9%	54.0%	53.9%	50.6%	48.4%

Source: The University of Texas Medical Branch at Galveston School of Medicine, Texas Higher Education Coordinating Board, Education Data Center.

Finally, overall white enrollment dipped by 4.3 percent between 1996–97 and 1997–98 and had rebounded by 2000–01. Specifically, in 2000–01 white enrollment was 49.1 percent, compared with 50.1 percent in the final pre-*Hopwood* year, 1996–97. The overall white enrollment was 1.0 percent less in 2000–01 than in 1996–97. Furthermore, after an initial dip in 1997–98 and 1998–99, white enrollment began rising in 1999–2000 while African American and Hispanic enrollments commenced a downward trend (see table 2.11). The only group to have experienced a steady increase in enrollment over the five-year period is Asian Pacific Americans. The general trend foretells a further reduction in minority enrollments in the coming years.[116]

Admissions at Four Public Texas Medical Schools

Minority medical school enrollments only reveal a portion of the effect *Hopwood* has had in Texas. Admission rates are crucial for a fuller understanding of how minority medical school applicants have faired in Texas since *Hopwood*. Much like enrollment numbers, minority admission rates at the University of Texas Medical Branch, except those of Native American/Alaska Natives, have fluctuated over the five-year period, 1996–97 through 2000–01. For example, although African American admission rates were relatively stable from 1996–97 through 1999–2000, in 2000–01 they declined to 4.8 percent, a drop of 4.3 percent from 1997–98 and 4.1 percent from 1999–2000, respectively. Similarly, Hispanic admission rates stayed relatively stable from 1996–97 through 1998–99 but began declining in 1999–2000. Asian Pacific Americans admission rates also fluctuated but had returned to the same level (19.6 percent) in 2000–01 that

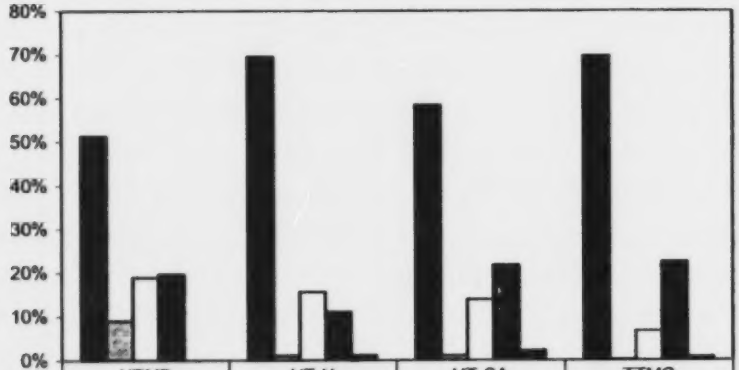
[116] This premise will naturally require future data analysis.

they were in 1996–97, also 19.6 percent. Comparatively, white admission rates, although declining in the first post-*Hopwood* year of 1997–98 (41.1 percent), have rebounded since then with a highpoint of 56.9 percent in 1999–2000 (see figures 2.11 through 2.15).

The three other medical schools examined reveal varying admission rates for minority applicants over this five-year period. The University of Texas Health Science Center at Houston Medical School (UT-H), University of Texas Health Science Center at San Antonio School of Medicine (UT-SA), and Texas Tech University Health Sciences Center School of Medicine (TTMC) had very low admission rates for African American applicants in the final pre-*Hopwood* year of 1996–97. These were, respectively, 1.1 percent, 1.1 percent, and 0.3 percent (see figure 2.11). In light of this, the possibility that more African American students would gain admission was very high. Still, rates did not increase significantly until 2000–01, the year in which there was a significant decline in African American admission rates at the University of Texas Medical Branch (see figures 2.12 through 2.15). Comparatively, however, only UT-H experienced a substantial increase, to 6.8 percent, relative to earlier years, while UT-SA had a rate (2.4 percent) barely above that of 1998–99 (2.3 percent), and TTMC (1.3 percent) was below those of 1998–99 (2.7 percent) and 1999–2000 (2.6 percent). Figures 2.11 through 2.15 also reveal fluctuating admission rates for other minority applicants to these medical schools over this five-year period.

White admission rates have remained relatively stable over this period, with UTMB (56.2 percent) and UT-SA (68.4 percent) showing an increase in 2000–01 compared with 1996–97, 51.3 and 58.4 percent, respectively. Conversely, UT-H and TTMC both display a decrease from 1996–97 (69.5 and 69.7 percent) to 2000–01 (63.3 and 66.7 percent). Still, relative to minority groups, white admission rates have stayed substantially strong at the four medical schools and the rates of decline at one school have been offset by increased rates at another (see figures 2.11 through 2.15). Furthermore, in 1999–2000 and 2000–01, admission rates to UTMB were roughly 5 percent higher than in 1996–97.

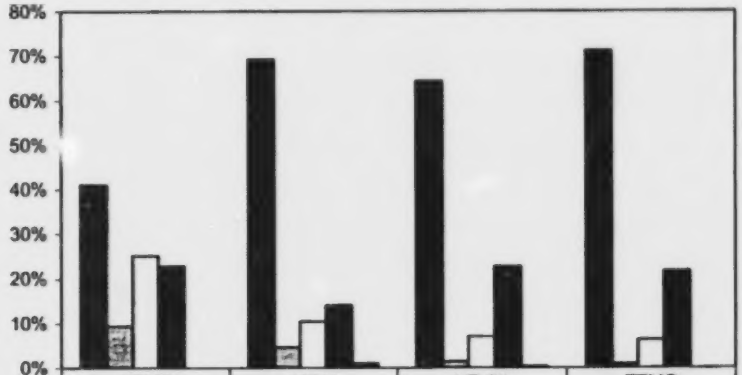
Figure 2.11
Admission Offers at Four Public Texas Medical Schools, 1996–97



	UTMB	UT-H	UT-SA	TTMC
White	51.3%	69.5%	58.4%	69.7%
Black	9.1%	1.1%	1.1%	0.3%
Hispanic	18.9%	15.6%	13.9%	6.7%
Asian/Pacific Islander	19.6%	11.1%	21.7%	22.5%
Native American/Alaska Native	0	1.1%	2.2%	0.8%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

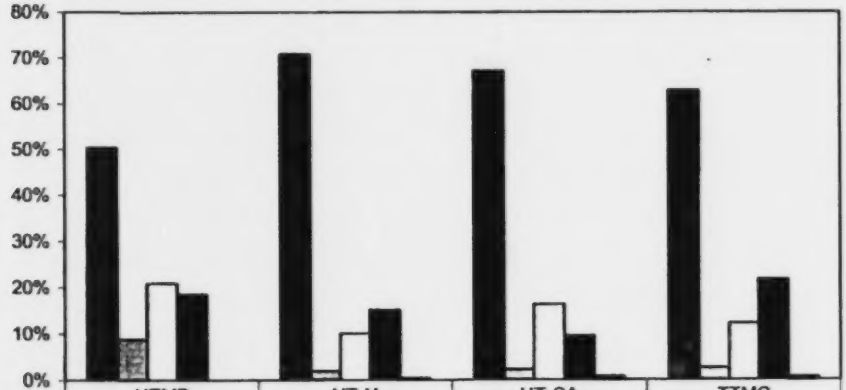
Figure 2.12
Admission Offers at Four Public Texas Medical Schools, 1997–98



	UTMB	UT-H	UT-SA	TTMC
White	41.1%	69.2%	64.3%	71.2%
Black	9.5%	4.7%	1.4%	0.9%
Hispanic	25.1%	10.4%	7.0%	6.3%
Asian/Pacific Islander	22.8%	14.0%	22.7%	21.6%
Native American/Alaska Native	0	1.1%	0.3%	0

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

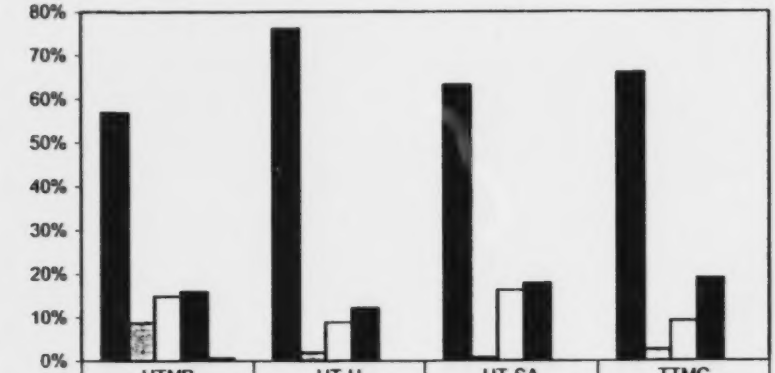
Figure 2.13
Admission Offers at Four Public Texas Medical Schools, 1998–99



	UTMB	UT-H	UT-SA	TTMC
White	50.4%	70.8%	67.2%	62.8%
Black	8.9%	1.9%	2.3%	2.7%
Hispanic	21.0%	10.1%	16.4%	12.2%
Asian/Pacific Islander	18.5%	15.2%	9.7%	21.7%
Native American/Alaska Native	0	0.4%	0.8%	0.6%

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

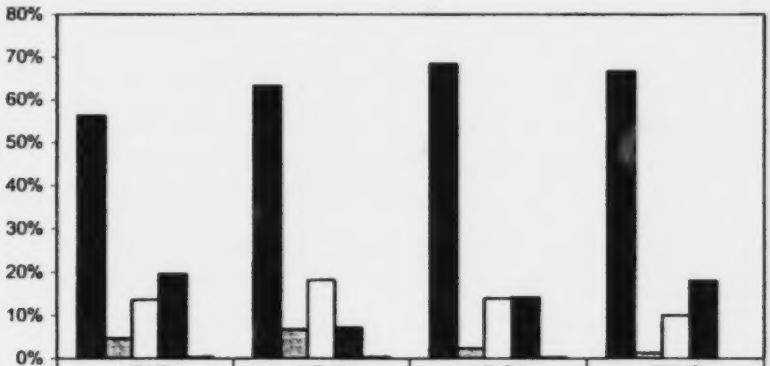
Figure 2.14
Admission Offers at Four Public Texas Medical Schools, 1999–2000



	UTMB	UT-H	UT-SA	TTMC
White	56.9%	76.1%	63.2%	66.0%
Black	8.9%	2.0%	0.8%	2.6%
Hispanic	14.9%	8.9%	16.3%	9.2%
Asian/Pacific Islander	16.0%	12.1%	17.8%	19.0%
Native American/Alaska Native	0.7%	0	0	0

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

Figure 2.15
Admission Offers at Four Public Texas Medical Schools, 2000–01



	UTMB	UT-H	UT-SA	TTMC
White	56.2%	63.3%	68.4%	66.7%
Black	4.8%	6.8%	2.4%	1.3%
Hispanic	13.6%	18.2%	13.8%	10.0%
Asian/Pacific Islander	19.6%	7.2%	14.2%	18.0%
Native American/Alaska Native	0.4%	0.4%	0.4%	0

Source: Compiled from data provided by the Texas Higher Education Coordination Board, Education Data Center.

Conclusion

Outlawing race-conscious affirmative action programs in higher education in Texas had a negative impact on minority enrollment at the University of Texas-Austin. Between 1996, the year that the courts handed down the *Hopwood* decision, and 1997 minority enrollment at UT-Austin declined for both blacks and Hispanics. After HB 588 was enacted in 1998 and for several years thereafter, minority enrollment for both blacks and Hispanics continued to increase. By 2000, the number of black students being admitted to UT-Austin under the 10 percent plan reached 291, and 1,012 Hispanic students were admitted. As the program reached its fourth year, although the number of both black and Hispanic students declined, the decline was greatest among blacks. This decline may be an indication that initial efforts to encourage minority students to attend UT-Austin have now been minimized or eliminated. It is clear that efforts such as recruitment, financial and academic support, and multicultural programs attract and retain minorities.

Like undergraduate enrollments, minority enrollment at UT School of Law and the University of Texas Medical Branch has fluctuated to some extent since the *Hopwood* decision. However, unlike undergraduate programs, HB 588 does not bind professional programs in Texas. The result has been mixed for minority postgraduate enrollments. African American, Hispanic, and Native American/Alaska Native[117] enrollments in 2000–01 were almost exclusively less than those of 1996–97, although African American enrollments were the only ones to decline each year. Conversely, Asian Pacific Americans are the only minority group to have generally experienced an increase in enrollment over this period. Finally, minority admission rates over this period

[117] Again, it must be noted that since the number of Native American/Alaska Native enrolled students is comparatively small, any change in percentages is also comparatively minor.

show a similar pattern, although Asian Pacific American admission rates do not show the general increase that enrollment rates show. Thus, while gaining at some schools, minority admission rates have predominantly declined at the premier Texas law and medical schools.

STATE OF FLORIDA

Overview

Florida State University System

Florida's State University System (SUS) consists of 11 public institutions: the University of Florida, Florida A&M University, Florida State University, University of South Florida, Florida Atlantic University, University of West Florida, University of Central Florida, Florida International University, University of North Florida, Florida Gulf Coast University, and New College of Florida (until recently part of the University of South Florida). The University of Florida (the SUS flagship campus), Florida State University, and University of South Florida are research institutions, while Florida A&M University is a historically black institution.[118]

All SUS institutions, with the exception of Florida Gulf Coast University and the New College of Florida, offer courses of study leading to a graduate degree. There are four law schools in SUS: the University of Florida Fredric G. Levin College of Law, Florida State University College of Law, Florida A&M Law School, and Florida International University College of Law.[119] The latter two were created by legislation, Senate Bill 68, four months after Governor Bush signed Executive Order 99-281 in November 1999, which banned the use of race in university admissions.[120] Senate Bill 68 was intended to increase the number of minority lawyers without the use of affirmative action. Factors considered in admissions decisions to the new law schools, which enrolled the first class of students in September 2002, included commitment to public service and whether the applicant is the first in his or her family to attend college.[121] SUS has three colleges of medicine: the University of Florida College of Medicine, University of South Florida College of Medicine, and Florida State University College of Medicine. The Florida legislature created the Florida State University College of Medicine only in June 2000, and the institution enrolled the first class of medical students in fall 2001.

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[118] Florida Board of Education, Division of Colleges & Universities, "Florida's Public University," n.d., <http://www.borfl.org/univ_info/unitour.asp>; New College of Florida, "About NFC," n.d., <http://www.ncf.edu/Documents/FactSheet.html>; "Governor Bush's Equity in Education Plan," <http://www.myflorida.com/myflorida/governement/governmentinitiative.one.florida/documents/educationPlan.edu>, November 1999 (hereafter cited as Equity in Education Plan); University of Florida, "UF Facts and Rankings," n.d., <http://www.ufl.edu/facts.html>.

[119] Note that Florida A&M University once housed a small law school at the Tallahassee campus. In 1968, Florida closed the law school and merged it with the mostly new law school at Florida State University. *See* Lewin Tamar, "Florida Tests Diversity at 2 Law Schools," *New York Times*, Feb. 15, 2002, p. A16 (hereafter cited as Tamar, "Florida Tests Diversity").

[120] FLA STAT. CH. 1004.39–1004.40 (2002); USCCR, *Toward an Understanding of Percentage Plans*, p. 1. Note that the ban affected state contracting as well. MyFlorida.com, "Education," <http://www.oneflorida.org/myflorida/government/governorinitiatives/one_florida/education.html>.

[121] *See* Tamar, "Florida Tests Diversity," p. A16. Note that currently, the Florida bar is about 2 percent black and 6 percent Hispanic.

This study focuses on the flagship institution, the University of Florida, and the selective Florida State University to determine access to high-status universities by minority first-time students. Affirmative action advocates are concerned that minority students are being shunted to lesser institutions and denied the education and social advantages associated with being graduates of selective schools. Comparable analysis on first-time graduate, law, and medical students again concentrates on the selective and key professional institutions. Thus, the University of Florida Graduate School, the University of Florida Fredric G. Levin College of Law, Florida State University College of Law, the University of Florida College of Medicine, and the University of South Florida College of Medicine are examined. Table 2.12 summarizes the above discussion.

Table 2.12
The Florida State University System

Institutions in the Florida State University System	
Florida A&M University	University of Florida
Florida Atlantic University	University of North Florida
Florida Gulf Coast University	Florida State University
Florida International University	University of South Florida
New College of Florida	University of West Florida
University of Central Florida	
Institutions to Which the Talented 20 Program Applies	
All the institutions in the Florida State University System	
Institutions in This Analysis	
University of Florida, including the Graduate School, Frederic G. Levin College of Law, College of Medicine	
Florida State University, including the College of Law	
University of South Florida College of Medicine	
Reason for Inclusion in the Study	
Flagship status	
Selective status	
Key professional institutions	

Source: Compiled from various sources.

One Florida Equity in Education Initiative

Three Pathways to SUS

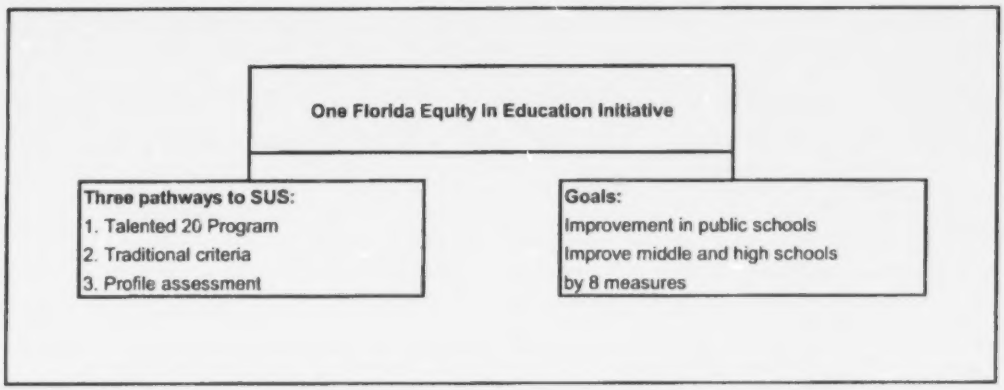
The Talented 20 Program

The One Florida Equity in Education Initiative (Education Initiative) has two components (see figure 2.16). The first component consists of the three pathways to enrollment in SUS. The first pathway is the Talented 20 Program (T20 Program) and its mechanics are shown in table 2.13. The program replaced affirmative action and was designed to ensure that Executive Order 99-281 "does not negatively impact the diversity of the state universities."[122] Implemented in fall

[122] Monica Hayes, Florida director, Office of Equity and Access, Florida Board of Education, e-mail to Sock-Foon MacDougall, social scientist, USCCR, July 9, 2002 (hereafter cited as Hayes e-mail, July 9, 2002).

2000 (academic year 2000–01), the T20 Program guarantees admission to one of Florida's 11 public institutions for any Florida resident who graduated in the top 20 percent of his or her public high school class and completed a prescribed 19-unit academic high school curriculum. The 19 academic units are: English language arts (4), mathematics (3), natural science (3), social science (3), foreign languages (2), and electives (4). In addition, Talented 20 (T20) high school graduates must take the SAT or ACT, but the results of the tests are not used to make admissions decisions, only to determine if students would need assistance with college-level work.[123] In addition, T20 high school graduates receive preference in need-based financial aid. Governor Bush had recommended a $20 million increase for the Florida Student Assistance Grant for 2000–01.[124]

Figure 2.16
Components of the One Florida Equity in Education Initiative



Source: Compiled from e-mail from Monica Hayes, director, Office of Equity and Access, Florida Board of Education, July 9, 2002; Governor Bush's Equity in Education Plan, November 1999, <http://www.myflorida.com/myflorida/government/government initiative.one.florida/documents/educationPlan.edu>.

Traditional Admissions Criteria

The second pathway to enrollment in SUS is through the use of traditional admissions criteria, such as high school grade point average and SAT or the American College Testing Assessment Test (ACT) scores. This pathway is available to all high school graduates. Each Florida institution has its own criteria, while the Board of Regents sets up the systemwide threshold requirements.

[123] Hayes e-mail, July 9, 2002. *See also* American Council on American Issue Brief, "Percentage Plans for College Admissions," January 2001, <http://www.acenet.edu/resources/reports/percentage-plans.pdf>. Note that the SAT test was originally called the Scholastic Aptitude Test, was later renamed the Scholastic Assessment Test, and now is simply called the SAT. *See* FairTest: The National Center for Fair and Open Testing, "The SAT: Questions and Answers," n.d., <http://www.fairtest.org/facts/satfact.htm>; the College Board, "History of the SAT," n.d., <http://www.collegeboard.com/abut/newsat/history.html>.

[124] Hayes, telephone interview, Aug. 26, 2002.

Table 2.13
Mechanics of the Talented 20 Program

Eligibility for the Talented 20 Program:
Florida resident
Graduated in the top 20 percent as determined by cumulative grade point average from a Florida public high school
Completed 19 academic units
English/Language Arts (4)
Mathematics (3)
Natural Science (3)
Social Science (3)
Foreign Languages (2)
Units of Electives (4)
Taken SAT or ACT (scores used to determine if a student needs assistance with college preparation)
The Process:
Students apply to universities in the fall of their senior year
Students who are eligible for Talented 20 who are denied admission may:
approach universities that denied them to request reconsideration under Talented 20 or
apply to another university specifically for admission under Talented 20 eligibility
A student denied by three universities may request a complimentary review of his or her academic records by the university admissions office before submitting application materials.
If the review is positive, the student submits a completed application.
If the review is negative, the student's application materials are reviewed again and he or she repeats the process with another university.

Source: Compiled from e-mail from Monica Hayes, director, Office of Access and Equity, Florida Board of Education, July 9, 2002.

Profile Assessment

The third pathway is profile assessment, where a college admissions decision is arrived at through a weighing of weak high school academic performance, first-generation college participation, socioeconomic status, inner-city or rural residence, and special talents, such as athletic ability. Admission through profile assessment is capped at 10 percent, although in practice, less than 3 percent of first-time students are admitted through this pathway.[125]

Improvement in Public Education

The second component of the Education Initiative (see figure 2.16) emphasizes equalizing opportunities for low-performing schools. Access to educational opportunities in elementary and secondary schools has a direct bearing on access to higher education later on.[126] At the present time, by the very nature of the T20 Program and the compelling reality that Florida public high schools are not yet equal in resources and academic curricula, a proportion of the high school

[125] Hayes, e-mail, Aug. 12, 2002; George Perkins, director, research and policy analysis, Florida Board of Education, telephone interview, Aug. 9, 2002.

[126] Gerald Torres and Penda D. Hair, "The Texas Test Case: Integrating America's Colleges," *Chronicle of Higher Education*, Oct. 4, 200, p. B20.

graduates eligible as T20 students are likely to be academically underprepared for college-level work. Thus, in the long term, it is only through the effective realization of this component, particularly the eight elements that pertain to middle and high school students, that this unfortunate situation may be ameliorated or, preferably, eliminated entirely. These elements may be described as coordinated outreach efforts[127] and include:

- Adopting an A+ plan designed to improve low-performing schools serving low-income and minority students.
- Making available funding to permit every 10th grader to take the preliminary SAT (PSAT).
- Partnering with the College Board to assist students and teachers in low-performing schools.
- Expanding advanced placement course opportunities in high school.
- Expanding access to college preparatory courses through the Florida Online High School.
- Adopting low-performing middle and high schools by public and private universities and community colleges though alliances.
- Focusing the statewide mentoring initiative in low-performing schools.
- Evaluating inequities in opportunity between schools by a task force.[128]

The independent One Florida Accountability Commission created by Governor Bush in May 2001 to review progress and make recommendations regarding the achievement of diversity issued its report in June 2002. In its conclusion, the One Florida Accountability Commission states "This report documents many improvements in our efforts at the state and local levels to expand opportunity and diversity among students succeeding at all levels of education in Florida." It has developed 27 recommendations related to education.[129]

It is instructive to review the affirmative action policies that were in place prior to Executive Order 99-281. Race and ethnicity entered into university admissions at three levels. The first level, or alternative admission, allowed students who did not meet SUS' minimum academic admissions criteria to be eligible for admission. The alternative admissions criteria included race, diversity, and artistic and athletic abilities. The second level allowed Florida's most selective institutions, particularly the University of Florida and Florida State University, to admit minority and other students who did not meet their higher threshold academic criteria. The third level permitted the most selective universities to use race or ethnicity to choose among equally qualified students who met the SUS as well as more stringent institutional academic criteria.[130] The first level improved the chance for minority students to gain admission to SUS, while the second and third offered opportunities for admission to SUS' selective institutions.

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[127] Hayes, telephone interview, Sept. 26, 2002.

[128] Equity in Education Plan, pp. 7–10.

[129] MyFlorida.com, "Executive Summary," n.d., <http://www.myflorida.com/myflorida/government/otherinfo/accountability.html>.

[130] Equity in Education Plan.

In the following sections, racial/ethnic application, admission, and enrollment data are examined for first-time students and first-time graduate, law, and medical students. The analysis covers 1999–2000, the year before the race ban, through 2001–02, the second year of the race ban and most current year for which data are available. In nearly all instances, the analysis begins at the SUS level to provide a systemwide perspective and then moves on to the institutional level. The overarching question that guides the assessment is: What effect does Executive Order 99-281 have on equal access to educational opportunity in public higher and professional education in Florida?

What Has Talented 20 Wrought?

Assessment of the T20 Program's effect on diversity and opportunity to participate in higher education begins with a baseline comparison of racial/ethnic distribution among high school graduates identified as T20 students with a comparable distribution of all Florida high school graduates. Figure 2.17 presents this information for the T20 students from the graduating classes of 1999–2000, 2000–01, and 2001–02, and for Florida high school graduates from the graduating class of 1999–2000.[131] It is striking that the proportion of each racial/ethnic group differed only slightly across the three classes of T20 students.[132]

In a perfectly equal society, the racial/ethnic composition of T20 students would approximate that of the high school graduates. Figure 2.17 shows that empirical reality is otherwise. The use of class ranks in university admissions decisions results in underrepresentation of blacks among T20 students, largely a consequence of their weaker high school academic performance relative to that of other groups. Specifically, while more than 20 percent of the 1999–2000 high school graduates were black, just 12.5 percent of the 1999–2000 T20 students were black. Thus, blacks are disadvantaged at the very beginning of the admissions process. Among the other groups, Hispanic students were slightly underrepresented while Asian Pacific Americans and whites were overrepresented among the 1999–2000 T20 high school graduates. Although present statistical analysis shows that Asian Pacific Americans are overrepresented, it is important to bear in mind that there is educational and economic diversity within the group. Some of the more recent Asian Pacific American immigrants to the United States are not as educationally and economically successful as others of their group who have a longer history in this country. Thus, the finding of overrepresentation may not apply to all the groups in the Asian Pacific American category. Where appropriate this caveat appeals throughout the discussion.

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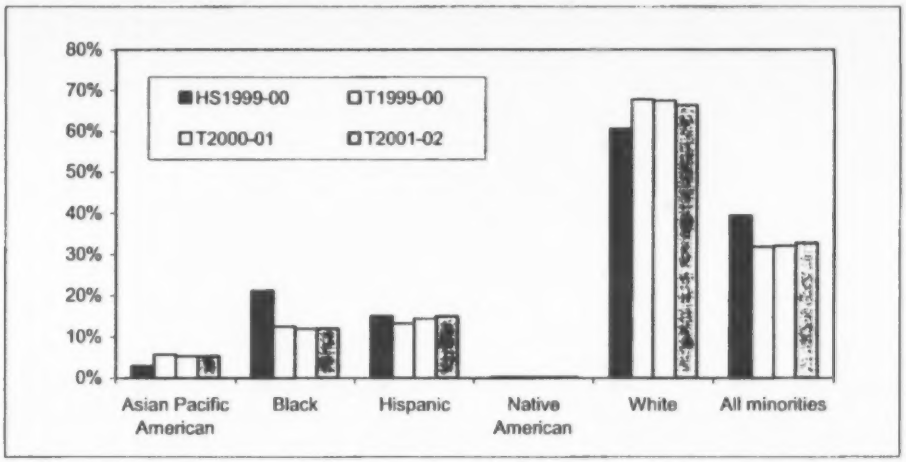
[131] The 1999–2000 high school class is the most current class for which graduation data are available. *See* U.S. Department of Education, National Center for Educational Statistics, Common Core of Data, "Table by State" (Aug. 5, 2002) (hereafter cited as NCES, "Table by State"). Note that the 1999–2000 T20 students would enroll in fall 2000, the 2000-01 cohort in fall 2001, and the 2001–02 cohort in fall 2003.

[132] These are Florida residents since only state residents are eligible to participate in the Talented 20 Program. Admission and enrollment data presented in subsequent figures and tables focus on Florida residents only.

Figure 2.17
Racial/Ethnic Comparison of Talented 20 High School Graduates, Classes of 1999–2000 through 2001–02, and Florida High School Graduates, Class of 1999–2000

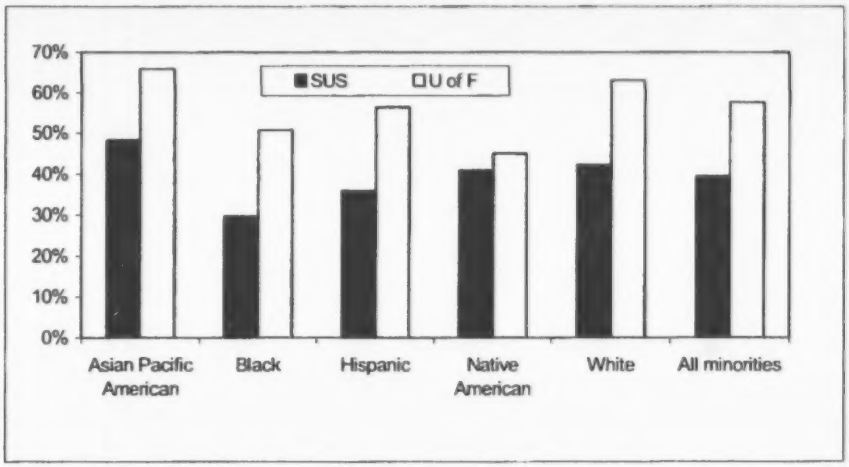


Source: Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "Comparison of Gender and Race/Ethnicity Mix of Talented 20 Students, 1999–2000, 2000–01 and 2001–02"; U.S. Department of Education, National Center for Education Statistics, "Table by State," n.d.

Opportunity to participate in higher education may also be examined from the perspective of enrollment.[133] The illustrative case is the 2001–02 T20 first-time students, the most current group for which data are available. T20 first-time students made up 39.5 percent of all SUS first-time students. At the SUS level, figure 2.18 shows that among Asian Pacific American first-time students, 48.3 percent were T20 students, compared with 40.8 percent for Native Americans, 35.9 percent for Hispanics, and only 29.7 percent for blacks. Among white first-time students, T20 students made up 42.3 percent. Once again, because of their weaker high school academic performance relative to that of the other groups, the T20 Program did not serve blacks well.

[133] Analysis not shown in this report shows that for both SUS and University of Florida, at least 86.7 percent of the T20 applicants are admitted. The high rate of admission applied to all groups of applicants. The enrollment rates are considerably lower and for minorities are 65.6 percent at the SUS level and 63.3 percent at the University of Florida.

Figure 2.18
Talented 20 First-Time Students as a Percentage of all First-Time Students by Race, State University System and University of Florida, 2001–02



Source: Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Applicants, Admissions, and Enrollment, Talented 20 Students, 2001–02," Aug. 13, 2002; "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 2001–02," Aug. 2, 2002.

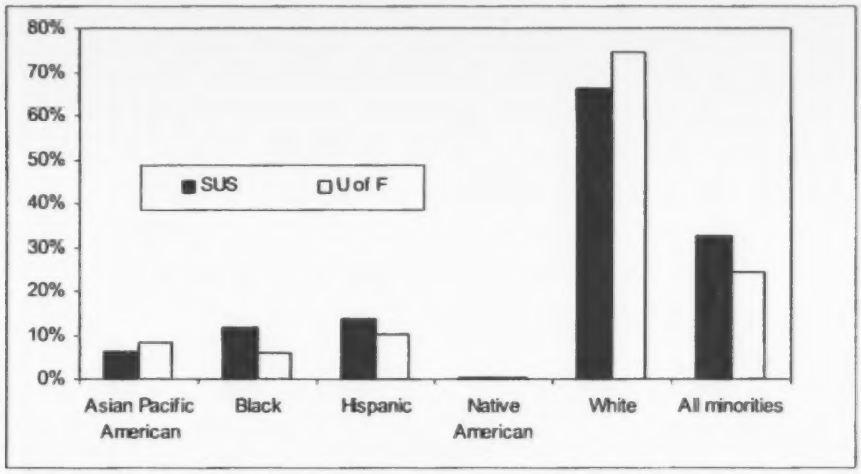
At the University of Florida, the SUS flagship campus, T20 first-time students made up 61.5 percent of all first-time students. This higher figure, compared with 39.5 percent at SUS, is expectable since the University of Florida is highly selective. Figure 2.18 shows that among Asian Pacific American first-time students, 65.9 percent were T20 students, compared with 56.4 percent for Hispanics, 50.8 percent for blacks, and only 45 percent for Native Americans. Among whites, the comparable figure is 63 percent. The situation for blacks, compared with SUS, is relatively better, because the flagship institution likely enrolled the academically stronger T20 black first-time students. In fact, it is clear from figure 2.18 that this is the case for all other groups as well.

However, the findings on minorities for the University of Florida take on a different cast when the racial/ethnic composition of T20 first-time students at SUS is compared with that of the institution.[134] Figure 2.19 shows that among the minority T20 first-time students in SUS, Hispanics composed the largest group, 13.9 percent, followed by blacks at 11.9 percent, Asian Pacific Americans at 6.4 percent, and Native Americans at 0.4 percent.[135] At the University of Florida, Hispanics again formed the largest group among minority T20 first-time students but at 10.1 percent, followed by Asian Pacific Americans at 8.2 percent, and blacks at just 5.7 percent, and Native Americans at 0.2 percent. Hispanic, Native American, and especially black T20 students are underrepresented at the selective University of Florida relative to their presence in SUS and in comparison with their groups' percentage among high school graduates.

[134] Racial/ethnic composition among all first-time students at SUS and the University of Florida is discussed later.

[135] The numbers do not add to 100 percent because a small number of first-time students either did not report their racial/ethnic status or were classified as "other." This applies to the University of Florida as well.

Figure 2.19
Talented 20 First-Time Students by Race, State University System and University of Florida, 2001–02



Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System Applicants, Admissions, and Enrollment, Talented 20 Students, 2001–02," Aug. 13, 2002.

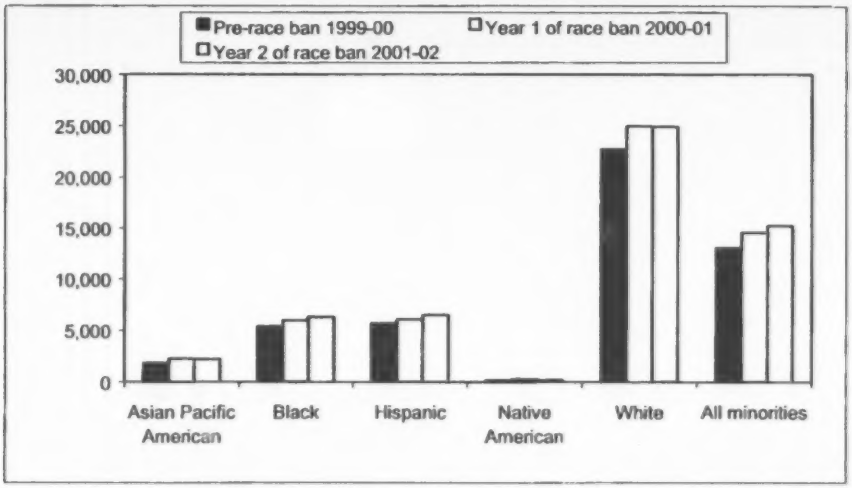
Summing up, blacks are starkly underrepresented among T20 high school students. Further, they have the smallest proportion of T20 first-time students. Hispanic, Native American, and especially black T20 students are underrepresented at the University of Florida.

Undergraduate Application, Admission, and Enrollment

Minority Application and Admission

Application and admissions data for first-time students are examined to determine if the three admissions pathways to SUS (see figure 2.16), in effect in 2000–01 and 2001–02, resulted in (1) a larger number of minority admittees and if (2) there are differences in admission rates among different minority groups. Figure 2.20 shows that the number of admissions grew from 1999–2000 in the two years that the three pathways were used for admission to SUS, 11.2 percent in 2000–01 and 4.5 percent in 2001–02. The 11.2 percent growth is attributable to an increase in the number of admittees for every minority group. On the other hand, the 4.5 percent growth in 2001–02 resulted because only black and Hispanic admittees continued to grow, while the number of Asian Pacific American and Native American admittees declined. By 2001–02, the second year of the race ban, the number of admittees from every minority group is higher than in 1999–2000. Thus, the total number of minority admittees went from 13,095 in 1999–2000 to 14,550 and 15,208 in the next two years. On the other hand, the number of white admittees grew 9.7 percent in 2000–01 and declined by a few cases in 2001–02.

Figure 2.20
State University System Admittees by Race, 1999 through 2001–02

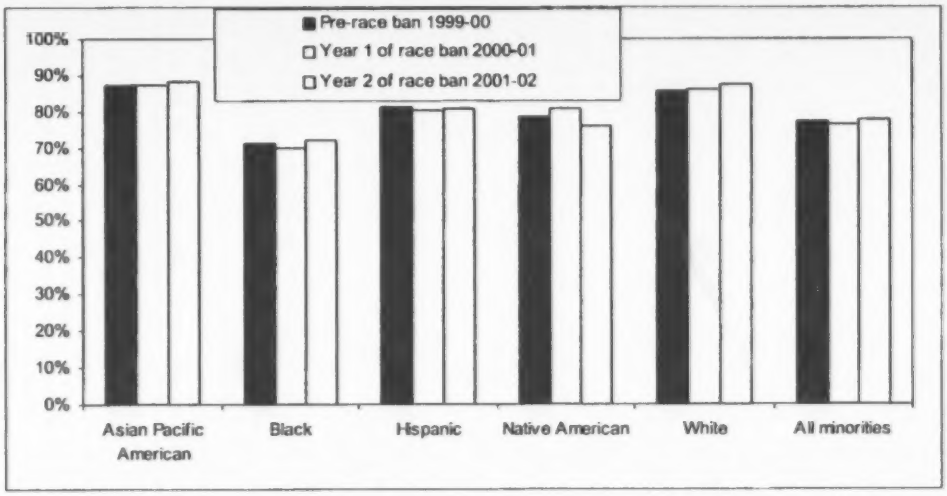


Source: Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System Applicants, Admissions, and Enrollment, Talented 20 Students, 2001–02," Aug. 13, 2002; "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

As shown in figure 2.21, the overall minority admissions rate at the SUS level is slightly more than 75 percent, compared with more than 80 percent for whites. The year-to-year percentage change in admission rates is generally minimal for all groups. Thus, the three pathways did not alter the overall admissions rate of minorities to SUS. Analysis of admission rates among individual minority groups adds depth to the picture. Black applicants are admitted, relatively, at the lowest rate, between 69.8 and 72.2 percent, while Asian Pacific American applicants are admitted at the highest, between 87 and 88 percent, followed by Hispanic applicants, between 80 and 81 percent, and Native American applicants, between 76.2 and 80.8 percent. Once again, blacks do not fare as well relative to the other groups.

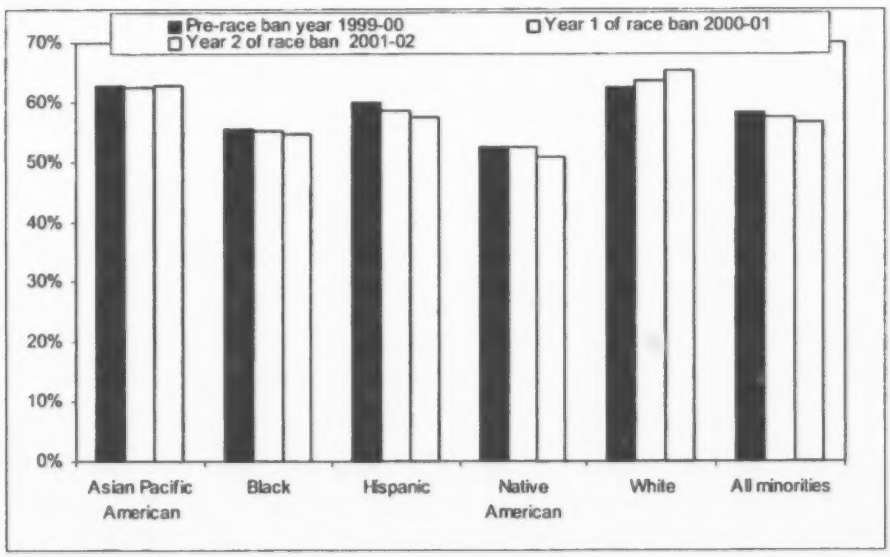
It is notable that among minorities, between 56.7 and 58.2 percent of applicants actually become enrolled in SUS in the period under consideration, contrasted with between 62.4 and 65.4 percent for whites (see figure 2.22). Hispanics and Americans showed a slightly declining trend, while Asian Pacific Americans and blacks held steady across the years. Relative to other groups, a lower percentage of black and Native American applicants eventually enrolled in SUS.

Figure 2.21
State University System Admission Rates for First-Time Students, 1999–2000 through 2001–02



Source: Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

Figure 2.22
Percentage of Applicants Who Enrolled as First-Time Students in the State University System by Race, 1999–2000 through 2001–02



Source: Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

Summing up, the three pathways increased the number of admittees to SUS for all groups. Blacks evidenced the lowest admission rates, and a lower percentage of black and Native American applicants eventually become enrolled in SUS.

Racial/Ethnic Composition of Enrolled First-Time Students

In this section, racial/ethnic information of first-time students is examined at the SUS level to provide a systemwide overview. Comparable data are examined for the two selective institutions, University of Florida and Florida State University, to determine the accessibility of minority students to prestigious institutions.

Panel A of table 2.14 presents racial/ethnic information in SUS for first-time students enrolled in 1999–2000, 2000–01, and 2001–02. Actual total first-time student enrollment in SUS showed a 10.8 percent increase in 2000–01 and just an increase of 1.8 percent in 2001–02. In fall 1999 (academic year 1999–2000), SUS enrolled 26,679 first-time students. Of these, minority first-time students made up 36.9 percent, while white first-time students constituted 62.2 percent. Among the minorities, black and Hispanic first-time students each made up 15.8 percent, followed by Asian Pacific American, 5 percent, and Native American, 0.4 percent.

In the first and second years of the implementation of the three pathways, the number of minorities increased, from 9,848 in 1999–2000 to 10,925 in 2000–01 and 11,096 in 2001–02, exhibiting growth rates of 10.9 and 1.6 percent, respectively. This reflects the overall pattern noted earlier. Despite these absolute increases, the proportion of minorities as a group did not change, staying around 37 percent.[136] This is the result of a comparable increase in white first-time students, 10.9 percent in 2000–01 and 1.3 percent in 2001–02.

Thus, while the numbers of minority and white first-time students increased in 2000–01 and 2001–02 and SUS was able to accommodate the growth, the present analysis shows that the three pathways did not increase the proportion of minority first-time students. In this regard, the combined pathways did not perform any better than affirmative action programs in place in 1999–2000. In fact, minority first-time students were *already* underrepresented in SUS in the pre-race ban year. Minorities stood at 36.9 percent, while the comparable figure was 39.4 percent for the 1999–2000 high school class.[137]

Among the individual minority groups, Hispanic first-time students increased at similar rates in the two years after Executive Order 99-281, between 4.5 and 4.6 percent. Black first-time students registered a 12.7 percent rate increase in 2000–01 and a very minor rate increase the following year. Finally, Asian Pacific American and Native American first-time students showed promising absolute increases in 2000–01 but declines in 2001–02.

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[136] Enrollment data for 2002–2003 showed the same conclusion. Vincent Kiernan, "Minority Enrollment in Florida Remains Unchanged," *Chronicle for Higher Education*, Sept. 20, 2002, p. A25.

[137] *See* NCES, "Table by State."

Table 2.14
First-Time Students by Race, State University System and University, 1999–2000 though 2001–02

Panel A: State University System	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	(2000-01) compared to 1999-00	(2001-02) compared to 2000-01
	(Enrollment in numbers)			*(Each group as proportion of total)*			*(Yr-to-yr change)*	
Asian Pacific American	1,325	1,602	1,574	5.0%	5.4%	5.2%	20.9%	-1.7%
Black	4,204	4,740	4,784	15.8%	16.0%	15.9%	12.7%	0.9%
Hispanic	4,216	4,408	4,608	15.8%	14.9%	15.3%	4.6%	4.5%
Native American	103	175	130	0.4%	0.6%	0.4%	69.9%	-25.7%
White	16,604	18,406	18,650	62.2%	62.3%	61.9%	10.9%	1.3%
Other	*12*	*0*	*15*	0.0%	0.0%	0.0%	**	**
Not reported	215	229	345	0.8%	0.8%	1.1%	6.5%	50.7%
Total	26,679	29,560	30,106	100.0%	100.0%	100.0%	10.8%	1.8%
All minorities	*9,848*	*10,925*	*11,096*	*36.9%*	*37.0%*	*36.9%*	*10.9%*	*1.6%*
Panel B: University of Florida								
Asian Pacific American	412	515	457	7.0%	7.7%	7.7%	25.0%	-11.3%
Black	565	770	413	9.6%	11.6%	6.9%	36.3%	-46.4%
Hispanic	664	798	658	11.3%	12.0%	11.1%	20.2%	-17.5%
Native American	33	78	20	0.6%	1.2%	0.3%	136.4%	-74.4%
White	4,156	4,421	4,332	70.7%	66.5%	72.8%	6.4%	-2.0%
Other	*0*	*0*	*0*	–	–	–	–	–
Not reported	51	67	72	0.9%	1.0%	1.2%	31.4%	7.5%
Total	5,881	6,649	5,952	100.0%	100.0%	100.0%	13.1%	-10.5%
All minorities	*1,674*	*2,161*	*1,548*	*28.5%*	*32.5%*	*26.0%*	29.1%	-28.4%
Panel C: Florida State University								
Asian Pacific American	126	161	135	2.9%	3.2%	2.8%	27.8%	-16.1%
Black	445	538	568	10.2%	10.7%	11.8%	20.9%	5.6%
Hispanic	419	504	514	9.6%	10.0%	10.7%	20.3%	2.0%
Native American	16	15	18	0.4%	0.3%	0.4%	-6.3%	20.0%
White	3,341	3,785	3,546	76.9%	75.2%	73.6%	13.3%	-6.3%
Other	*0*	*0*	*0*	–	–	–	–	–
Not reported	*0*	*27*	*35*	–	0.5%	0.7%	–	29.6%
Total	4,347	5,030	4,816	100.0%	100.0%	100.0%	15.7%	-4.3%
All minorities	*1,006*	*1,218*	*1,235*	*23.1%*	*24.2%*	*25.6%*	21.1%	*1.4%*

Note: (1) The "all minorities" category consists of Asian Pacific Americans, blacks, Hispanics, and Native Americans. "Other" refers to a small number of individuals who are charged in-state tuition even though they are nonresidents. Florida determines resident status by whether a person qualifies for in-state tuition and fees. (2) ** indicates that percentage change is not calculated because the base numbers are small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

Overall, the proportion of each minority group in the first-time student population differed minimally between the pre-race ban and post-race ban years. This finding is particularly disheartening for blacks, who made up between 15.8 and 16 percent in SUS but 21.2 percent in the 1999–2000 high school class.[138] Conversely, the same comparison shows that Hispanics were adequately represented in SUS. The Hispanic group includes Cuban Americans, Mexican Americans, Puerto Rican Americans, and other groups from Central and South America. In addition to diversity in national origin, there are educational and economic differences. With respect to years of education and mean earnings, Cuban Americans rank near the top when compared with other Hispanic groups. Sixty-three percent of the Cuban American population resides in

[138] *See* ibid.

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Florida.[139] Enrollment data provided by the Florida Board of Education do not break down the Hispanic population. However, it is reasonable to assume that the Cuban American population in SUS is not insignificant. Thus, the finding of adequate representation may be a result of Cuban American influence, that is, it may not apply to all the Hispanic groups. Where appropriate, this caveat applies throughout this discussion. The situation of Cuban American influence is not as relevant in California and Texas with their smaller Cuban American population.

Cognizant that affirmative action has not brought nearly enough minorities into higher education, it is alarming that its replacement in Florida, the Talented 20 Program, operating along with traditional admissions criteria and profile assessment, is unable to do any better. This strongly argues for going beyond the existing version of the percentage plan. In this connection, it is significant that the University of Florida plans to go beyond the Talented 20 Program to improve diversity.[140] The university announced in spring 2002 that it will automatically admit the top 5 percent of each high school graduating class.

Panel B of table 2.14 presents racial/ethnic information on first-time students enrolled at the University of Florida. In 2000–01, the first year of the three pathways, every group showed large absolute numerical increases, bringing the total number of first-time students to 6,649, a 13.1 percent increase over 1999–2000. The substantial increase in 2000–01 resulted in part from the university's basketball team having reached the finals of the spring 2000 NCAA basketball championship. However, by the second year, the effect had largely dissipated.[141] Thus, in 2001–02, every group had decreased, thereby lowering the number of enrolled first-time students to 5,952, a 10.5 percent decrease. As a group, minorities showed a similar pattern, except that the percentage increase in academic year 2000–01 was 29.1 percent and the percentage decline in 2001–02 was nearly as large, 28.4 percent. Thus, in 1999–2000, 2000–01, and 2001–02, minority enrollment went from 1,674 to 2,161 to 1,548; correspondingly, as a group, minorities constituted 28.5, 32.5, and 26 percent at the flagship. It is disturbing that these proportions are lower than comparable ones at SUS. Equally disturbing, they are lower than those for the 1999–2000 high school class, which stood at 39.4 percent. Clearly, minorities are underrepresented at the flagship campus.

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[139] Lewis Mumford Center for Comparative Urban and Regional Research, University of Albany, "The New Latinos," n.d., <http://www.hccwpa.org/Census_and Data/HCC_New_Lation2.htm>; U.S. Census Bureau, "Quick Tables-Florida, n.d.,<http://factfinder.census/_lang= en_vt_name=DEC_2000_SF1_U_QTP3_geo_id=4000US12.htm>, and U.S. Census Bureau, "Quick Tables-United States, n.d., <http://factfinder.census/_lang=en_vt_name=DEC_ 2000_SF1_U_ QTP3_ geo_id=1000US12.htm>.

[140] Bill Kolb, director of admission, telephone interview, Aug. 9, 2002. *See also* "U. of Florida to Open Doors to Top 5% of Each High-School Graduating Class," *Chronicle of Higher Education*, Mar. 22, 2002, <http://chronicle.com/weekly/v48/i28a02203.htm>. Note that the University of Florida has outreach programs that target students in failing schools. The Alliance Program, for example, has collaborative relationships with five urban schools, with a sixth to be added shortly. Admissions office staff visit the schools and work with the guidance counselors. In addition, the provost's office administers a scholarship program that awards five scholarships to each of the Alliance schools. The university's summer program serves Alliance students who must meet eligibility requirements including, single-parent household, low-income family, and first-generation college participation. Kolb interview, Sept. 17, 2002.

[141] Bill Kolb, director of admission, telephone interview, Aug. 9, 2002.

Among individual minority groups (excluding the small number of Native Americans), black first-time students suffered the greatest percentage decrease in 2001–02, 46.4 percent, followed by Hispanics, 17.5 percent. White students also declined, but just by 2 percent. By the second year of the race ban, black and Hispanic students made up 6.9 and 11.1 percent, respectively, of total enrollment compared with higher proportions in the previous two years. More importantly, not once did the proportions of blacks and Hispanics come close to comparable figures for the 1999–2000 high school class, 21.2 and 15.1 percent, respectively. The concern expressed by affirmative action advocates that minority students are being shut out of selective institutions is borne out to a large extent in the case of these two groups.

Panel C of table 2.14 presents racial/ethnic information for first-time students enrolled at Florida State University. Total first-time students enrollment showed a 15.7 percent increase in 2000–01, raising the total to 5,030 from 4,347 in 1999–2000. By 2001–02, total enrollment fell to 4,816, or 4.3 percent, largely the result of a decline in white first-time students. On the other hand, total minority enrollment increased 21.2 percent in 2000–01 and 1.4 percent in 2001–02. Correspondingly, minority enrollment went from 23.1 percent of all first-time students in 1999–2000 to 24.2 and 25.6 percent in the next two academic years. Alarmingly, the proportions of minorities at Florida State University are lower than those for SUS and the University of Florida for the period under consideration.

Among individual minority groups, the number of Asian Pacific American first-time students fell to 135 in 2001–02 from 161 in the previous year, while black and Hispanic enrollment grew over both time periods. By the second year of the race ban, black and Hispanic students made up 11.8 and 10.7 percent, respectively, of total enrollment, compared with slightly lower proportions in the previous two years. Still, these percentages are much lower than comparable figures for the 1999–2000 high school class. This finding clearly reinforces the need to modify the current percentage plan.[142]

Summing up, in SUS, the proportion of each minority group differed minimally between the pre-race ban and post-race ban years. The proportion of blacks in SUS, the University of Florida, and Florida State University are consistently lower than those of the 1999–2000 high school class. This underrepresentation already prevails in the pre-race ban year. In SUS, Hispanics are adequately represented, but not at the more prestigious University of Florida and Florida State University.

Graduate and Professional Enrollment

As stated earlier, no provision was made to replace affirmative action in admission to graduate and law and medical professional schools, although legislation was enacted to create two new law schools to increase minority presence. This section reviews admission and enrollment data

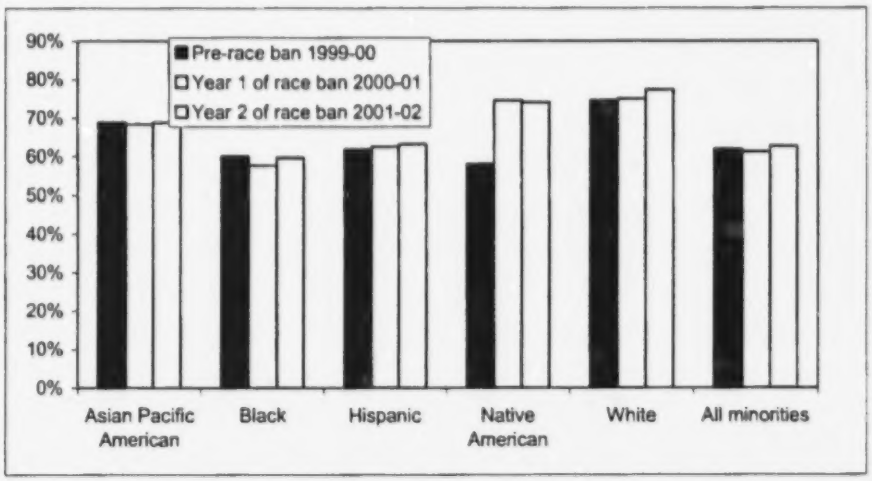
[142] Like the University of Florida, Florida State also operates a summer program, the CARE Summer Bridge Program. The university currently has a College Reach-Out Program (CROP) that is part of a statewide initiative funded by the state. CROP targets students between the grades of sixth and 12th and who meet the state's educational and economic criteria. Finally, the federal TRIO program (discussed in detail in chap. 5) is an important piece of Florida State University's outreach efforts. *See* Florida State University, "The Summer Bridge Program," n.d., <http://fsu.edu/~care/sbp.html>; <http://fsu.edu/~care/crop.html>; and <http://fsu.edu/~care/SSP.html>.

for first-time graduate, first-time law, and first-time medical students at the SUS and institutional levels.

Racial/Ethnic Composition Among First-Time Graduate Students

Graduate school admission rates for 1999–2000 through 2001–02 at the SUS level are reviewed to see if differences existed among groups. Figure 2.23 shows that overall admission rates for first-time minority graduate students hovered between 61.9 and 62.7 percent during the period under discussion, 1999–2000 through 2001–02. White admission rates, in contrast, showed small increases, from 74.6 percent in 1999–2000 to 77.3 percent in 2001–02, respectively. In the post-race ban years, admission rates increased slightly for Hispanics, more dramatically for Native Americans, held steady for Asian Pacific Americans, and decreased somewhat for blacks. The more salient points are that over this period, admission rates for blacks are almost always lower than other minority groups and admission rates for whites are substantively and consistently higher than those for minorities.

Figure 2.23
State University System Graduate School Admissions Rate by Race, 1999–2000 through 2001–02



Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 2001–02," Aug. 2, 2002.

At SUS, first-time minority graduate enrollment showed 1.1 percent growth in 2000–01, to 3,268 from 3,234 in 1999–2000, as shown in table 2.15. This was the result of small increases in the number of Asian Pacific Americans, Hispanics, and Native Americans. Total minority graduate enrollment grew 18.9 percent between 2000–01 and 2001–02. In this instance, almost every minority group showed sizeable increase. By the second year of the race ban, minorities made up 30.6 percent of all graduate students, a result of significant increase in Asian Pacific Americans, blacks, and particularly Hispanics. Comparable figures for 1999–2000 and 2000–01 were 27.8 and 28.3 percent, respectively.

At the University of Florida, the percentage of first-time minority graduate students decreased slightly, from 19.7 percent in 1999–2000 to 18.3 percent in 2001–02, despite a small absolute increase in 2001–02. It is discouraging that the overall percentage of minorities in the flagship is substantively lower than in SUS. Among the individual minority groups, Asian Pacific American and Hispanic enrollment fluctuated while blacks increased by a handful of students. Compared with their presence in SUS, blacks and Hispanics are underrepresented in the University of Florida.

Table 2.15
First-Time Graduate Students by Race, State University System and University, 1999–2000 through 2001–02

Panel A: State University System	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Year 1 compared to 1999-00	Year 2 compared to 2000-01
	(Enrollment in numbers)			*(Each group as a proportion of total)*			*(Yr.-to-yr. change)*	
Asian Pacific American	410	421	532	3.5%	3.6%	4.2%	2.7%	26.4%
Black	1,342	1,324	1,489	11.5%	11.5%	11.7%	-1.3%	12.5%
Hispanic	1,451	1,479	1,812	12.5%	12.8%	14.3%	1.9%	22.5%
Native American	31	44	53	0.3%	0.4%	0.4%	41.9%	20.5%
White	8,328	8,117	8,645	71.5%	70.3%	68.1%	-2.5%	6.5%
Other	9	1	7	0.1%	0.0%	0.1%	**	**
Not reported	83	166	162	0.7%	1.4%	1.3%	100.0%	-2.4%
Total	11,654	11,552	12,700	100.0%	100.0%	100.0%	-0.9%	9.9%
All minorities	*3,234*	*3,268*	*3,886*	*27.8%*	*28.3%*	*30.6%*	1.1%	18.9%
Panel B: University of Florida								
Asian Pacific American	95	94	103	5.3%	5.1%	5.2%	-1.1%	9.6%
Black	85	88	95	4.7%	4.8%	4.8%	3.5%	8.0%
Hispanic	167	151	162	9.3%	8.3%	8.1%	-9.6%	7.3%
NativeAmerican	5	7	6	0.3%	0.4%	0.3%	**	**
White	1,422	1,467	1,611	79.4%	80.2%	80.6%	3.2%	9.8%
Other	–	–	–	–	–	–	–	–
Not reported	17	22	23	0.9%	1.2%	1.2%	29.4%	4.5%
Total	1,791	1,829	2,000	100.0%	100.0%	100.0%	2.1%	9.3%
All minorities	*352*	*340*	*366*	*19.7%*	*18.6%*	*18.3%*	-3.4%	7.6%

Note: (1) The "all minorities" category consists of Asian Pacific Americans, blacks, Hispanics, and Native Americans. (2) ** indicates that percentage change is not calculated because the base numbers are small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 2001–02," Aug. 2, 2002.

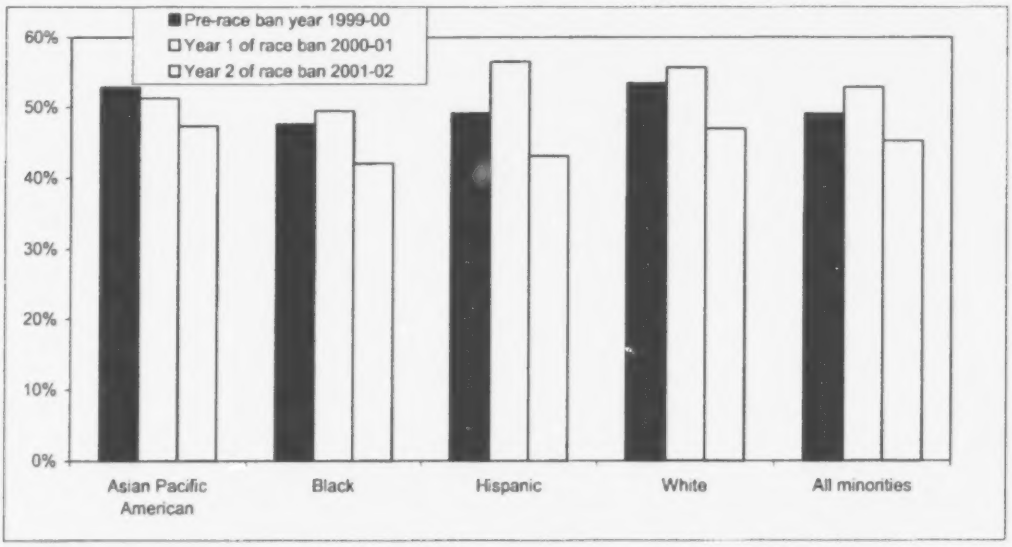
Summing up, black first-time graduate students are admitted at a lower rate relative to other groups. Although overall minority enrollment grew and at a higher rate in 2001–02, blacks and Hispanics remain underrepresented in the University of Florida relative to their enrollment in SUS. Not unexpectedly, the overall proportion of minorities at the flagship campus is much lower than that in SUS.

Racial/Ethnic Composition Among First-Time Law Students

This section begins with a review of law school admission rates in SUS from 1999–2000 through 2001–02. As shown in figure 2.24, SUS law school admission rates for all groups increased in 2000–01 but fell in 2001–02 to below the level in 1999–2000. For minorities as a group, admission rates ranged between 45.2 and 52.9 percent contrasted with higher white admission rates

(see figure 2.24). Among the minorities, Asian Pacific Americans were admitted at the highest rate, followed by Hispanics, and then blacks.[143]

Figure 2.24
State University System Law School Admissions Rate by Race, 1999–2000 through 2001–02



Note: Admission rates were not compiled for Native Americans because the numbers were very small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 2001–02," Aug. 2, 2002."

Panel A of table 2.16 displays systemwide data on enrollment for first-time law students. First-time law students increased 6.7 percent in the first year that the use of race was banned, to 604 from 566 in 1999–2000, but declined 9.6 percent in the second year, to 546. Total minority enrollment broadly reflected this trend, except that the percentage increase in 2000–01 was minimal, just 1.9 percent, while the percentage decline the following year was 17.3 percent.

In fall 1999, Hispanic law students, the largest of the minority groups, composed 14 percent of all first-time law students, followed by black law students at 9.9 percent, while Asian Pacific American and Native American law students made up 3 percent and 1.2 percent, respectively. As a group, minority law students were 28.1 percent, or 159, of the total, while white law students made up 71.7 percent. In the first year of the race ban, 2000–01, minority law students fell to 26.8 percent even though the total number actually went up by a few cases, to 162.[144] While Asian Pacific Americans and blacks displayed some year-to-year percentage increases, the comparable figure for Hispanics fell slightly. In contrast, white enrollment grew 8.4 percent.

[143] Admission rates are not compiled for Native Americans because their numbers are so small.

[144] This is due to a higher rate of increase in white enrollment, 8.4 percent.

Table 2.16
First-Time Law Students by Race, State University System and University, 1999–2000 through 2001–02

	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Year 1 compared to 1999-00	Year 2 compared to 2000-01
Panel A: State University System	*(Enrollment in numbers)*			*(Each group as a proportion of total)*			*(Yr.-to-yr. change)*	
Asian Pacific American	17	20	20	3.0%	3.3%	3.7%	17.6%	0.0%
Black	56	63	51	9.9%	10.4%	9.3%	12.5%	-19.0%
Hispanic	79	76	59	14.0%	12.6%	10.8%	-3.8%	-22.4%
Native American	7	3	4	1.2%	0.5%	0.7%	**	**
White	406	440	400	71.7%	72.8%	73.3%	8.4%	-9.1%
Not reported	1	2	12	0.2%	0.3%	2.2%	**	**
Total	566	604	546	100.0%	100.0%	100.0%	6.7%	-9.6%
All minorities	*159*	*162*	*134*	*28.1%*	*26.8%*	*24.5%*	1.9%	-17.3%
Panel B: University of Florida Fredric G. Levin College of Law								
Asian Pacific American	10	12	17	2.9%	3.1%	4.4%	20.0%	41.7%
Black	37	45	33	10.6%	11.6%	8.6%	21.6%	-26.7%
Hispanic	66	50	36	18.9%	12.9%	9.4%	-24.2%	-28.0%
Native American	5	2	2	1.4%	0.5%	0.5%	**	**
White	230	278	284	65.9%	71.5%	74.0%	20.9%	2.2%
Not reported	1	2	12	0.3%	0.5%	3.1%	**	**
Total	349	389	384	100.0%	100.0%	100.0%	11.5%	-1.3%
All minorities	*118*	*109*	*88*	*33.8%*	*28.0%*	*22.9%*	-7.6%	-19.3%
Panel C: Florida State University College of Law								
Asian Pacific American	7	8	3	3.2%	3.7%	1.9%	**	**
Black	19	18	18	8.8%	8.3%	11.1%	-5.3%	0.0%
Hispanic	13	26	23	6.0%	12.0%	14.2%	100.0%	-11.5%
Native American	2	1	2	0.9%	0.5%	1.2%	**	**
White	176	163	116	81.1%	75.5%	71.6%	-7.4%	-28.8%
Not reported	0	0	0	–	–	–	–	–
Total	217	216	162	100.0%	100.0%	100.0%	-0.5%	-25.0%
All minorities	*41*	*53*	*46*	*18.9%*	*24.5%*	*28.4%*	29.3%	-13.2%

Note: (1) The "all minorities" category consists of Asian Pacific Americans, blacks, Hispanics, and Native Americans. (2) ** indicates that percentage change is not calculated because the base numbers are small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

In 2001–02, the proportion of minorities declined further, to 24.5 percent, again a result of year-to-year decreases in black and Hispanic enrollment. At the same time, white enrollment also fell by 9.1 percent. By the second year of the race ban, total minority enrollment was lower than what it was in 1999–2000 with black, Hispanic, and Native American enrollment reflecting the same pattern. This is particularly disheartening since the Florida bar is currently about 2 percent black and just 6 percent Hispanic.[145]

Panels B and C of table 2.16 present first-time law student enrollment data at the University of Florida Fredric G. Levin College of Law and the Florida State University College of Law. In the Fredric G. Levin College of Law, minority law students decreased steadily, from 33.8 percent in 1999–2000 to 28 and 22.9 percent in 2000–01 and 2001–02, respectively. In 2000–01, a 24.2

[145] Tamar, "Florida Tests Diversity," p. A16.

percent drop in Hispanic enrollment caused the decline, while in 2001–02, 26.7 and 28 percent declines in black and Hispanic enrollment, respectively, had that effect.

At the Florida State University College of Law, the smaller of the two law schools, enrollment fluctuated. The proportion of minority students went from 18.9 percent in 1999–2000 to 24.5 percent in 2000–01. However, by 2001–02, the absolute number of minorities had fallen to 46 even though the proportion increased to 28.4 percent.[146]

Summing up, total first-time minority law students in SUS evidenced a small absolute increase in 2000–01, a larger absolute decrease in 2001–02, and a steady decline in percentage of all first-time law students. Total minority enrollment at the University of Florida Frederic G. Levin College of Law fell steadily and fluctuated at the Florida State University College of Law.

Racial/Ethnic Composition Among First-Time Medical Students

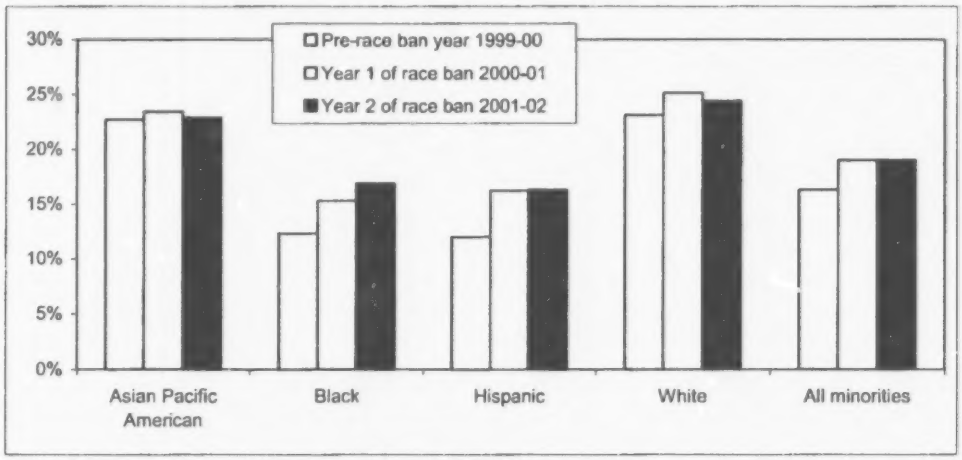
As in the sections on graduate and law students, this section begins with a review of medical school admission rates. Medical school admission rates at the SUS level for 1999–2000 through 2001–02 are presented in figure 2.25.[147] Admission rates for all minority groups are clearly higher in 2000–01 and 2001–02 than in 1999–2000. This said, it remains true that the overall admission rates for minorities are lower than those for whites, between 16.3 to 19 percent and 23.1 and 25.1 percent, respectively. Asian Pacific American admission rates easily surpassed those of blacks and Hispanics for the period under consideration. The latter two groups evidenced fairly similar rates.[148]

[146] This is a result of a 28.8 percent decrease in white enrollment. Note that analysis of each individual minority group is not attempted because the numbers are small.

[147] Note that SUS admissions data for 2001–02 include the new Florida State University College of Medicine, which admitted the first class of students in fall 2001.

[148] Admission rates are not compiled for Native Americans because the numbers are so small.

Figure 2.25
State University System Medical School Admissions Rate by Race, 1999–2000 through 2001–02



Note: Admission rates were not compiled for Native Americans because the numbers were very small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 and 2000–01," Aug. 13, 2002; "State University System Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 2001–02," Sept. 17, 2002.

Panel A of table 2.17 displays systemwide data on first-time medical student enrollment. First-time medical students increased 4.5 percent in the first year of the race ban, from 198 in 1999–2000 to 207, and 28 percent in the second, to 265. Total minority enrollment also reflected increases, 11.9 and 21.3 percent in 2000–01 and 2001–02, respectively.

In fall 1999, Asian Pacific American medical students, the largest of the minority groups, composed 18.7 percent of all first-time medical students, followed by Hispanic students at 7.6 percent, black students at 6.6 percent, and Native American students at 1 percent. Minority medical students made up 33.8 percent, or 67, while white medical students constituted 64.1 percent. In the first year of the race ban, 2000–01, the proportion of minority medical students increased to 36.2 percent, or 75. With the exception of Asian Pacific American students, every minority group grew slightly. The increase in white enrollment was similarly small.

In 2001–02, total minority enrollment again showed absolute increase, from 75 to 91 because of growth in Asian Pacific American, black, and Hispanic first-time medical students. But because white enrollment grew at a relatively higher rate, 28 percent, the proportion of minorities fell to 34.3 percent in the second year of the race ban.

Table 2.17
First-Time Medical Students by Race, State University System and University, 1999–2000 through 2001–02

	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Pre-race ban 1999-00	Year 1 of race ban 2000-01	Year 2 of race ban 2001-02	Year 1 compared to 1999-00	Year 2 compared to 2000-01
Panel A: State University System	*(Enrollment in numbers)*			*(Each group as a proportion of total)*			*(Yr.-to-yr. change)*	
Asian Pacific American	37	35	40	18.7%	16.9%	15.1%	-5.4%	14.3%
Black	13	15	17	6.6%	7.2%	6.4%	15.4%	13.3%
Hispanic	15	22	32	7.6%	10.6%	12.1%	46.7%	45.5%
Native American	2	3	2	1.0%	1.4%	0.8%	**	**
White	127	132	170	64.1%	63.8%	64.2%	3.9%	28.8%
Not reported	4	0	4	2.0%	0.0%	1.5%	**	**
Total	198	207	265	100.0%	100.0%	100.0%	4.5%	28.0%
All minorities	*67*	*75*	*91*	*33.8%*	*36.2%*	*34.3%*	11.9%	21.3%
Panel B: University of Florida College of Medicine								
Asian Pacific American	26	26	28	24.3%	23.4%	20.6%	0.0%	7.7%
Black	9	9	12	8.4%	8.1%	8.8%	0.0%	33.3%
Hispanic	8	16	13	7.5%	14.4%	9.6%	**	**
Native American	0	1	2	0.0%	0.9%	1.5%	**	**
White	63	59	80	58.9%	53.2%	58.8%	-6.3%	35.6%
Not reported	1	0	1	0.9%	--	0.7%	-100.0%	--
Total	107	111	136	100.0%	100.0%	100.0%	3.7%	22.5%
All minorities	*43*	*52*	*55*	*40.2%*	*46.8%*	*40.4%*	20.9%	5.8%
Panel C: University of South Florida College of Medicine								
Asian Pacific American	11	9	9	12.1%	9.4%	9.1%	**	**
Black	4	6	3	4.4%	6.3%	3.0%	**	**
Hispanic	7	6	15	7.7%	6.3%	15.2%	**	**
Native American	2	2	0	2.2%	2.1%	0.0%	**	**
White	64	73	70	70.3%	76.0%	70.7%	14.1%	-4.1%
Not reported	3	0	2	3.3%	0.0%	2.0%	**	**
Total	91	96	99	100.0%	100.0%	100.0%	5.5%	3.1%
All minorities	*24*	*23*	*27*	*26.4%*	*24.0%*	*27.3%*	-4.2%	17.4%

Note: (1) The "all minorities" category consists of Asian Pacific Americans, blacks, Hispanics, and Native Americans. (2) ** indicates that percentage change is not calculated because the base numbers are small.
Source: Compiled from Florida Board of Education, Division of Colleges and Universities, Research and Policy Analysis, "State University System, Florida Resident Applicants-Admitted-Enrolled Within Student Type/Race, Admissions Data, 1999–2000 through 2001–02," Aug. 2, 2002.

Panels B and C of table 2.17 display medical student enrollment at the University of Florida College of Medicine and the University of South Florida College of Medicine. In the University of Florida College of Medicine, minorities increased from 40.2 percent in 1999–2000 to 46.8 in 2000–01, but fell to 40.4 percent in 2001–02, although there is a small absolute increase each year. It is encouraging that the percentage of minorities at the established University of Florida College of Medicine is higher than in SUS.

In the University of South Florida College of Medicine, the smaller of the two medical schools, the total number of first-time medical students increased by a few cases between 1999–2000 and 2001–02, from 91 to 96 to 99. The total number of minority medical students enrolled in 1999–2000 was 24, and in the two years that race was banned minority enrollment was 23 and 27.

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Summing up, total first-time minority medical students in SUS evidenced small absolute increases but the proportions fluctuated. The University of Florida College of Medicine has a higher percentage of minorities than SUS.

Conclusion

Does the Talented 20 Program foster the goal of equal access to educational opportunity required by civil rights laws? This analysis finds that the use of class ranks in admissions decisions particularly hurts blacks. For instance, a smaller percentage of blacks are identified as T20 high school graduates. Thus, they are disadvantaged at the very beginning of the admissions process. Not surprisingly, blacks have the lowest proportion of T20 first-time students. Finally, with the exception of Asian Pacific Americans, Hispanic, Native American, and especially black T20 students are underrepresented at the flagship campus, the University of Florida.

More generally, how has the race ban affected diversity among first-time students? The three pathways to SUS increased minority and nonminority first-time students, but failed to change the proportions of the different minority groups in SUS. Further, blacks are admitted at a lower rate to SUS. More poignantly, in SUS, the University of Florida, and Florida State University, the percentages of black first-time students are consistently lower than those of the 1999–2000 high school class. This underrepresentation prevails even in the pre-race ban year of 1999–2000.

Minority graduate enrollment increased substantively in SUS in 2001–02 as a result of increases in the number of Asian, black, and Hispanic students. However, black graduate admission rates are almost always lower than those of other minority groups. Further, black and Hispanic graduate students are underrepresented at the University of Florida. In the law schools, the number of first-time minority law students fluctuated in SUS and declined steadily in the University of Florida Frederic G. Levin College of Law. Furthermore, black and Hispanic law students were admitted at lower rates when compared with other groups. In the medical schools, first-time minority medical students grew slightly. And, as in the case of the law schools, medical school admission rates are lower for blacks and Hispanics.

CHAPTER 3

Admissions Standards and Success Predictors

Access to higher education is predicated on numerous factors, some of which are socioeconomic background, educational opportunities, alumni parents, athletic ability, and individual aptitude. The latter is the focus of this study, as widespread concern has emerged about how aptitude is measured. Amid the debate surrounding percentage plans and the backlash against affirmative action have arisen new questions about the utility and fairness of college admissions measures, including standardized tests, student grade point averages, high school curriculum requirements, and college entrance exams.

In the late 1980s and early 1990s, the emphasis on merit was more often viewed as at odds with programs designed to undo lingering effects of past discriminatory admissions practices.[1] Today, with the implementation of percentage plans in three states, there is reason for concern that college admissions will regress to an era when merit was based solely on high school ranking and test scores at the expense of other predictors of aptitude and success.

A survey of the admissions requirements of colleges and universities reveals that high school grade point average is consistently the most important factor in admissions decisions, followed closely by standardized test scores.[2] Today, more than 80 percent of all public and private colleges and universities rely on test scores as a component of the admissions process.[3] The SAT is the most widely used standardized examination. During the 2000–01 school year, approximately 2.1 million students were administered the SAT.[4] The second most widely used test is the American College Testing Assessment Test (ACT), which is used mostly in the Midwest, and is taken by approximately 1 million students each year.[5]

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[1] Rodger Doyle, "Minorities and Bachelor's Degrees in the U.S.," *Scientific American*, Mar. 21, 2000.

[2] Hunter Breland, James Maxey, Renee Gernand, Tammie Cumming, and Catherine Trapani, *Trends in College Admission 2000, A Report of a Survey of Undergraduate Admissions Policies, Practices, and Procedures*, sponsored by ACT, Inc., Association for Institutional Research, the College Board, Educational Testing Service, and the National Association for College Admission Counseling, p. ix (hereafter cited as Breland, et al., *Trends in College Admission, 2000*).

[3] The College Board, "SAT Facts," <http://www.collegeboard.com/about/newsat/satfacts.html>.

[4] The College Board, "History of the SAT," <http://www.collegeboard.com/about/newsat/history.html>. Note that the test was originally called the Scholastic Aptitude Test, was later renamed the Scholastic Assessment Test, and now is simply called the SAT. *See* FairTest: The National Center for Fair and Open Testing, "The SAT: Questions and Answers," <http://www.fairtest.org/facts/satfact.htm>.

[5] FairTest: The National Center for Fair and Open Testing, "The ACT: Biased, Inaccurate, Coachable, and Misused," <http://www.fairtest.org/facts/act.htm>.

Supporters of the use of the SAT argue that the test is an appropriate "yardstick," which compensates for differences in grading techniques, curriculum standards, and course availability.[6] Advocates of the SAT also contend that eliminating standardized testing would result in grade inflation and lower admissions standards.[7] In recent years, however, the SAT and ACT have come under fire by some educators who claim that the tests do not reflect the true abilities of students, or take into account the differences in quality of education provided to students. Many argue that because scores on these tests can be improved through practice and preparation—usually through high-cost coaches and prep courses—they are not a true indicator of critical thinking ability, nor are higher scores accessible to those who cannot afford the preparation.

Further, there are significant disparities in the test scores of different racial and ethnic groups, a fact that may be linked to differences in educational opportunities, overrepresentation in low-performing schools, and in some cases the difficulties presented for students whose primary language is not English. Thus, these tests may not be appropriate predictors of ability or achievement potential. Table 3.1 illustrates the differences in SAT and ACT scores for each major racial and ethnic group.

Table 3.1
Scores of SAT and ACT Test Takers by Race/Ethnicity, 1999

	SAT Verbal + Math Score Range					
	Overall		Less than 1000	1000 to 1090	1100 to 1190	1200 and above
	N	Mean	Percent	Percent	Percent	Percent
African American	113,377	852	79.0	11.2	6.0	3.9
Asian American	60,878	1077	36.8	16.6	15.6	31.0
Hispanic	81,632	921	66.0	15.6	9.8	8.5
Native American	8,225	964	57.1	18.0	12.6	12.4
White	707,851	1054	38.6	20.6	17.6	23.2
All SAT takers*	1,095,708	1017	46.2	18.5	15.2	20.1

* Includes test takers classified as "other citizen" (30,756) and "non-citizen" (92,989). A perfect score on the SAT is 1600.

	ACT Score Range					
	Overall		Less than 22	22–23	24–26	27 and above
	N	Mean	Percent	Percent	Percent	Percent
African American	100,282	17.1	87.6	6.2	4.5	1.7
Asian American	24,357	22.4	45.1	14.5	18.6	21.8
Hispanic	46,361	19.1	72.8	10.9	10.4	5.9
Native American	10,612	19.0	72.8	10.9	9.8	6.4
White	718,498	21.8	50.4	15.5	18.3	15.8
All ACT takers*	951,507	21.0	56.3	14.0	16.1	13.6

* Includes test takers classified as "other citizen" (22,870) and "non-citizen" (28,527). A perfect score on the ACT is 36.

Source: Michael T. Nettles and Catherine Millet, "Toward Diverse Student Representation and Higher Achievement in Higher Levels of American Educational Meritocracy," chap. 6 in *The Right Thing To Do, The Smart Thing to Do: Enhancing Diversity in the Health Professions* (Washington, DC: National Academy Press, 2001), pp. 156–57. Compiled from the College Board and Educational Testing Service data, 1999.

[6] Holly Stepp, "Top Educators Question Merit of SAT Exam," *Miami Herald*, Mar. 11, 2001, p. 1B, *quoting* Gaston Caperton, president, the College Board.

[7] Karen Brandon, "Standardized Tests for College Under Fire in Diversity Debate," *Chicago Tribune*, Sept. 28, 1997, *quoting* Ward Connerly, University of California regent.

Although each racial/ethnic group has seen an increase in average test scores over the last decade, the gap in test scores has widened. Average SAT scores of African American, American Indian, and Hispanic students trail those of white students by a larger margin today than 10 years ago. The difference in average scores between black and white students in 1990–91 was 185 points; in 2000–01 the difference in scores was 201 points (see table 3.2). Likewise, the difference in average scores between Hispanic and white students increased from 111 points to 135 points in the same 10-year period.[8] A similar trend can be seen with ACT scores.[9] The gap between white and black students widened to nearly 5 points (out of a possible 36 points), from 4.6 points five years ago. The difference in scores of Mexican American and white students has also increased in the last five years from 3.2 points to 3.5 points.[10]

Table 3.2
Changes in SAT Averages by Race/Ethnicity

	Average SAT Score		Net Change
	1990–91	2000–01	
White	1031	1060	29
Black	846	859	13
Hispanic	920	925	5
Asian American	1033	1067	34
American Indian	938	960	22
Other	978	1015	37

Source: College Entrance Examination Board, *National Report on College-Bound Seniors*, various years, <http://nces.ed.gov/edstats/link1to4.asp>.

A series of nationwide studies beginning in 1979 reveals that over the years, selectivity at four-year institutions has increased, with higher standards required of potential students. At the same time, recruitment efforts targeting specific groups, particularly racial and ethnic minorities, have decreased in the last decade.[11] According to one educator, the college admissions process has become big business, with schools competing for the "best and brightest" students who bring prestige. As a result, acceptance rates at both Ivy League schools and prestigious state schools have dropped significantly over the last 20 years. Low-income and minority students have also been left out of the recruitment process, as administrators of postsecondary institutions have spent more resources attracting students who are already likely to have the means to attend college. As a result, inequalities in educational attainment and socioeconomic status are made worse.[12]

Stricter admissions requirements and more competitive enrollment processes render schools less likely to attract diverse students and make evident the need for proactive recruitment programs

[8] College Entrance Examination Board, *National Report on College-Bound Seniors*, various years, <http://nces.ed.gov/edstats/link1to4.asp>, table 134.

[9] CNN.com, "Schools Blamed for Racial Gap in SAT Scores," Aug. 28, 2001.

[10] June Kronholz, "Fall in Test Scores for ACT Reflects Curricula Choices," *Wall Street Journal*, Aug. 21, 2002, p. B2; "Changes by Illinois, Colorado Cited for Drop in ACT Scores," *Washington Times*, Aug. 21, 2002, p. A9.

[11] Breland, et al., *Trends in College Admission, 2000*, p. 6.

[12] Robert B. Reich, "How Selective Colleges Heighten Inequality," *Chronicle of Higher Education*, Sept. 15, 2000, <http://www.chronicle.com/weekly/v47/i03/03b00701.htm>.

and nontraditional admissions requirements.[13] As research has demonstrated, "when merit is primarily determined in terms of a test score, universities create cut-off scores that have a very serious racial impact."[14] Instead, it is suggested that students be evaluated based on other factors, including high school grades, personal background and goals, work experience, extracurricular activities, and other success predictors less prone to bias.

Evolving Admissions Criteria

While selectivity has increased overall, some schools are attempting to take a more holistic approach to admissions. Criteria in many cases are broader today than historically, taking into account specialized talents and extraordinary accomplishments. The University of California system, for example, adopted an admissions system in spring 2002 called a comprehensive review, which provides "bonus" points to applicants who have overcome extraordinary life challenges. The purpose of the new procedure, which was implemented in response to the state's ban on racial preferences, as discussed earlier, is to equalize opportunity.[15] The UC system, which is the largest higher education system in the country, also decided to do away with the SAT as an admissions criterion in 2001.

Similar practices can be seen around the country. In Texas, students who qualify under the state's percentage plan program are not required to take either the SAT or ACT. Columbia University in New York also now relies on a combination of indicators, including a personal essay, extracurricular activities, references, grade point averages, and SAT scores for admissions.[16] Nearly 300 other institutions have made the SAT optional, relying instead on student portfolios, essays, interviews, grades, and class ranks.[17]

One study compared two admissions strategies—one relying on students' high school records alone and the other using both high school records and SAT scores. While the outcomes of admissions decisions were largely the same under each approach, the SAT-based strategy resulted in a greater number of rejections of otherwise qualified minority and low-income applicants.[18] This finding supports the argument that using race as one of many factors in admissions is the only way colleges can offset biases in standardized tests.[19]

According to the president of the College Board, the group that administers the SAT, when it comes to racial and ethnic differences in test scores, the test itself is not the problem. Rather, the

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[13] The Civil Rights Project, Harvard University, "Civil Rights Alert, The Struggle to Keep College Doors Open," n.d., <http://www.law.harvard.edu/civilrights/alerts/access.html> (hereafter cited as the Civil Rights Project, "The Struggle to Keep College Doors Open").

[14] The Civil Rights Project, "The Struggle to Keep College Doors Open."

[15] Daniel Golden, "Extra Credit: To Get Into UCLA, It Helps to Face 'Life Challenges'," *Wall Street Journal*, July 12, 2002, p. A1.

[16] The Leadership Alliance, "All Things Being Equal: Minorities and the Merits of Standardized Tests," *Alliance Viewpoint*, vol. 3, no. 1 (Spring 2001).

[17] Holly Stepp, "Top Educators Question Merit of SAT Exam," *Miami Herald*, Mar. 11, 2001, p. 1B.

[18] FairTest, The National Center for Fair and Open Testing, "The SAT: Questions and Answers," <http://www.fairtest.org/facts/satfact.htm>.

[19] Erik Lords, "Expert: Aptitude Tests Are Biased, He Says UM's Policy Can Correct," *Detroit Free Press*, Feb. 7, 2001, p. 1B, *quoting* Martin Shapiro, professor, Emory University.

problem is an unfair educational system in the United States.[20] However, according to another commentator, "the bottom line is that standardized testing can never be a fair measure of skill between the underprivileged and the privileged."[21] Another noted:

> Talent and potential come in all complexions and from within a rather broad range of SAT scores. Students with modest test scores often fare quite well on academically competitive campuses. Other attributes, like drive and lifelong learning, determine whether they become superstars in school and ultimately what they achieve in life. So we shouldn't automatically presume, much less proclaim, that those who score the highest on standardized exams are ipso facto more qualified.[22]

It is also noteworthy that entrance exams such as the SAT and ACT not only determine college acceptance, but also often are used as a criterion for merit awards and scholarships. The fact that high-income and nonminority students tend to score higher on these tests results in an uneven distribution of resources to students who may not need them.[23]

In response to the increasing movement away from the SAT, and particularly the University of California's decision to stop using it, the College Board voted in June 2002 to revamp the exam. The new SAT, which will begin in spring 2005, will include an essay portion and require higher levels of math preparation. Many admissions directors praise the changes, particularly the addition of the essay portion, as providing a better tool to assess students' true abilities. Others, however, are concerned that students from schools with less rigorous academic programs will be unfairly penalized and that test score gaps will increase.[24]

There has been movement away from reliance on standardized tests and toward comprehensive reviews in graduate school admissions as well. In June 2001, Texas passed a law prohibiting medical and graduate schools in the state from using test scores as the sole or primary factor in admissions. The law requires the consideration of 11 additional factors, including an applicant's hometown and poverty status.[25] Prior to the new law, there were no formal attempts to diversify graduate schools as there were for undergraduate programs (e.g., the percentage plan described earlier). Statewide, in 2000, 4 percent of students in doctoral programs were black, 6 percent were Hispanic, 55 percent were white, and 30 percent were from abroad.[26] The comprehensive review provides economically disadvantaged students a better chance of gaining admittance to graduate and professional programs. Proponents of the law see it as a remedy to the *Hopwood*

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[20] CNN.com, "Schools Blamed for Racial Gap in SAT Scores," Aug. 28, 2001, *quoting* Gaston Caperton, president, College Board.

[21] Andrea Forker, "Do We Value the SAT Too Much?" *Cornell Daily Sun*, Jan. 21, 2002, <http://www.cornelldaily sun.com/articles/4260/>.

[22] Hugh B. Price, president, National Urban League, "The Assault on Affirmative Action: Counting the Casualties," statement, April 2000, <http://www.cgi.nul.org/assaultaffirmative.html>.

[23] Reich, "How Selective Colleges Heighten Inequality."

[24] Tamar Lewin, "New SAT Writing Test Planned," *New York Times*, June 23, 2002, <http://www.nytimes.com>.

[25] Linda K. Wertheimer, "Grad Schools Put to the Test; New State Law Promotes Diversity, Complicates Decisions on Who Gets in," *Dallas Morning News*, Feb. 25, 2002, p. 1A.

[26] Ibid.

decision, which banned race-based admissions, and argue that this holistic approach to admissions is more sophisticated than the 10 percent plan used in undergraduate admissions.[27]

Diversifying the Pool of Applicants and Promoting Success

Going beyond modifications to the admissions process itself and recognizing the need to cultivate a more diverse pool of potential applicants, many colleges and universities have made attempts to better prepare students for postsecondary study. Following are some examples of initiatives designed to recruit students from underrepresented groups and improve their chances for academic success at the college level:

- The University of Vermont has "adopted" a public high school in the Bronx, New York, from which it recruits Hispanic and black students. The university works with high school students to ensure that they have the skills necessary to compete with other applicants. Other rural institutions, including Colgate University, Skidmore College, and St. Michael's College, have similarly partnered with urban feeder schools in New York and Boston.[28]
- A groundbreaking summer school program in Boston pairs students from a local charter school with student tutors from Massachusetts Institute of Technology (MIT). The high school students spend four hours a day, four days a week on campus receiving one-on-one instruction in basic math, reading, and English skills to prepare them for future studies. The MIT tutors are supported through the federally funded work-study program.
- Several foundations, spearheaded by the Bill and Melinda Gates Foundation, have come together to support the creation of 70 "early college" high schools that will award both diplomas and associate degrees by working with nearby universities and community colleges. The high schools are designed to keep students from dropping out and will target students from low-income families.[29]
- For nearly 10 years, a program called Target Hope in Chicago has attempted to improve minority student achievement in elementary and secondary school to prepare them for college. Promising students from Chicago's public schools are placed in Saturday workshops taught by college professors for 42 weeks a year for four years.[30]
- Many colleges and universities around the country, including Notre Dame, the University of Illinois, and the University of Chicago, have also stepped up their recruitment of minority high school students by offering free campus visits, development seminars and workshops, and hefty financial aid packages.[31]

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[27] Ibid., *quoting* Robert Nelsen, chair, faculty advisory council, University of Texas System.

[28] Jacques Steinberg, "University of Vermont Build Pool of Recruits in the Bronx," *New York Times*, Dec. 26, 2001, p. 1A.

[29] Audrey Y. Williams, "Gates Foundation to Bankroll Creation of 70 'Early College' High Schools," *Chronicle of Higher Education*, Mar. 19, 2002, <http://www.chronicle.com/daily/2002/03/2002031901n.htm>.

[30] Meg McSherry Breslin and Robert Becker, "Colleges Start Early to Recruit Minorities; Schools Cultivate Best at Young Age," *Chicago Tribune*, June 9, 2002, p. 1C.

[31] Ibid.

- Finally, in response to the backlash against affirmative action, and in an effort to diversify the workforce of the future, several major corporations have partnered with universities to create the Business-Higher Education Forum. The group advocates percentage plans, "whole person" approaches to college admissions that go beyond test scores and grades, increases in available financial aid packages, and third-party outreach, which pools the resources of nonprofit organizations that assist minority groups.[32]

CONCLUSION

The nation's courts, states, and postsecondary institutions are engaged in a struggle to strike a balance between inclusive admissions criteria and unfair standards, and between proactive recruitment and race-neutral policies. Research has demonstrated that standardized tests such as the SAT and ACT may not be appropriate predictors of ability or achievement potential. Data demonstrate consistently lower performance of minority students on standardized tests, resulting in disproportionate rejection of minority students in colleges and universities where this criterion is heavily weighted.

As affirmative action-motivated recruitment efforts are decreasing, selectivity at four-year institutions is increasing. Unless proactive efforts are made to attract and retain minority students in prestigious colleges and universities, inequalities in educational attainment and socioeconomic status will be made worse. A more holistic approach to admissions decisions is necessary to offset unequal educational opportunities and preserve much sought-after diversity on college campuses.

[32] Jennifer Merritt, "Wanted: A Campus that Looks Like America," *Business Week*, Mar. 11, 2002.

CHAPTER 4

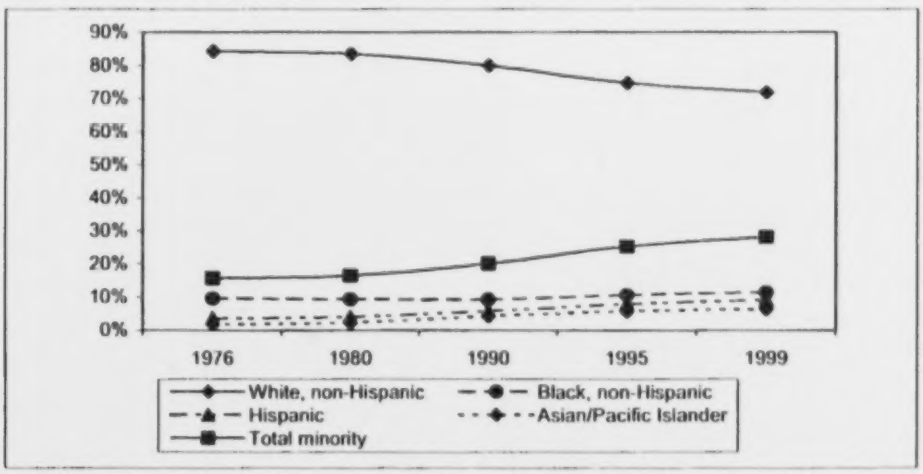
National Trends in College Enrollment

In each of the three states reviewed for this report, percentage plans failed to significantly increase enrollment for all minority groups, particularly at the most prestigious state institutions. Moreover, national data reveal that these three states are not an anomaly, minority enrollment indeed is leveling off. Fear exists among many students and educators that programs that give minorities and low-income students equal access to higher education will be eliminated and that gains minority students have made will be reversed as more states move away from affirmative action.

UNDERGRADUATE STUDENT ENROLLMENT

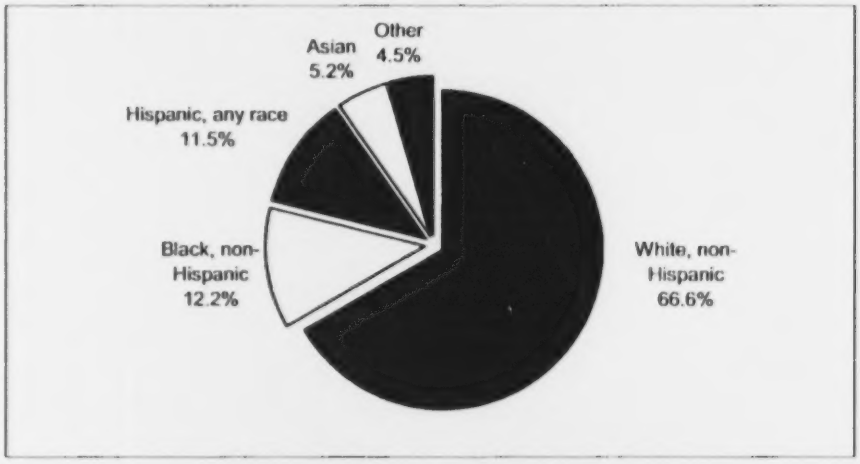
As figure 4.1 demonstrates, prior to the bans on race-based admissions, there was a steady increase in overall minority enrollment in undergraduate programs over a 25-year period, particularly in the 1980s and early 1990s. In keeping with population trends, non-Hispanic white students make up the majority of college students, 67 percent. However, the gap between minorities and nonminorities has narrowed since 1976, when white students composed more than 80 percent of college students. Today, black non-Hispanic students make up 12.2 percent, Hispanic students make up 11.5 percent, and Asian Pacific American students make up 5.2 percent of college enrollments (see figure 4.2).

Figure 4.1
Racial/Ethnic Composition of Postsecondary Enrollment, 1976–99



Note: The numbers of American Indian/Alaska Native students are too small to show on the graph. In 1976 they made up 0.7 percent of student enrollment, and in 1999 they made up 1 percent.
Source: U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001*, ch.3, table 207.

Figure 4.2
Percentage Distribution of Undergraduates by Race/Ethnicity, 1999–2000



Source: U.S. Department of Education, National Center for Education Statistics, *Profile of Undergraduates in U.S. Postsecondary Educational Institutions: 1999–2000*, Statistical Analysis Report, July 2002, p. iv.

Only 2 percent of postsecondary students are visiting noncitizen students, and another 5 percent are noncitizen permanent residents of the United States. Ten percent of students are citizen children of foreign-born parents. Approximately 13 percent of undergraduate students speak a language other than English at home, the largest proportion of whom speaks Spanish (43 percent).[1]

Enrollment also varies within racial and ethnic groups. For example, among Hispanic students, more than half (55 percent) reported being Mexican American or Chicano, 15 percent reported being Puerto Rican, 4 percent Cuban, and the remaining 27 percent of other Hispanic ethnic identity. Among Asian American students, the breakdown is as follows: 25.1 percent Chinese, 13.1 percent Korean, 12.8 percent Vietnamese, 11.2 percent Japanese, 11.0 percent Asian Indian, 10.5 percent Filipino, 2.9 percent Thai, and 13.1 percent of other ethnicity.[2] This distinction reflects the need for targeted outreach and recruitment, and illustrates that the notion of the "overrepresented" Asian American student is not true for all subgroups.

Among postsecondary students, most racial and ethnic groups are roughly at parity with representation in the general population, with the exception of Asian Pacific Americans who are slightly overrepresented, depending on subgroup. Differences appear, however, when refining the analysis to traditional college-age students (ages 18–23). As table 4.1 illustrates, non-Hispanic white students are overrepresented among undergraduate students, while black and Hispanic students are underrepresented. Data indicate that white students are more likely than other racial/ethnic groups to be enrolled in postsecondary education at the traditional age of enrollment. Minority students are less likely to enter college right after high school; employment or

[1] U.S. Department of Education, National Center for Education Statistics, *Profile of Undergraduates in U.S. Postsecondary Educational Institutions: 1999–2000*, Statistical Analysis Report, July 2002, pp. 11–12.

[2] Ibid., pp. 10–11.

other factors that limit full-time attendance may account for a more protracted period of educational pursuit. The average age of African American and American Indian students is higher than the average age of all undergraduate students.[3]

Table 4.1
Comparison of Undergraduate Enrollment and U.S. Population by Race/Ethnicity, Persons of Traditional College Age

	Percent of undergraduates, ages 19–23	Percent of U.S. population, ages 18–24
White, non-Hispanic	68.5	61.6
Black or African American	10.6	14.0
American Indian or Alaska Native	0.7	1.1
Asian American	5.3	4.2
Native Hawaiian or Other Pacific Islander	0.8	0.2
Hispanic or Latino, any race	11.1	17.5
Other	4.5	8.5

Note: Totals do not add up to 100 percent because individuals may be counted as both Hispanic and by a race category. These numbers reflect only those individuals who selected a single race category on the census.
Source: U.S. Department of Education, National Center for Education Statistics, *Profile of Undergraduates in U.S. Postsecondary Educational Institutions: 1999–2000*, Statistical Analysis Report, July 2002, p. 14; Population figures compiled from data obtained from the U.S. Census Bureau, <http://www.factfinder.census.gov/servlet/DTTable?_ts=467063 02748>.

Table 4.2
Percentage of Postsecondary Students by Race/Ethnicity and Age Group, 1999–2000

	23 years old or younger	24 to 39 years old
White, non-Hispanic	58.8	28.6
Black or African American	49.4	37.8
American Indian or Alaska Native	45.2	40.1
Asian American	58.1	33.3
Native Hawaiian or Other Pacific Islander	56.6	38.1
Hispanic or Latino, any race	55.9	34.6
Other	62.5	30.5

Source: U.S. Department of Education, National Center for Education Statistics, *Profile of Undergraduates in U.S. Postsecondary Educational Institutions: 1999–2000*, Statistical Analysis Report, July 2002, p. 8.

Table 4.3 illustrates that white and Asian American students are more likely than any other group of students to attend a four-year institution. African American, Hispanic, American Indian/Alaska Native, and Native Hawaiian/Pacific Islander students are more likely to attend public two-year institutions or private commercial institutions, the majority of which offer programs that are two years or less, such as vocational certificates. For the 1999 academic year, minorities composed

[3] Ibid., pp. 8–9.

24.8 percent of all students enrolled in four-year institutions and 33.4 percent of those enrolled in two-year institutions.[4]

Table 4.3
Percentage of 1999–2000 Undergraduates Attending Selected Types of Institutions by Race/Ethnicity

	Institution Attended					
	4-Year Institutions					
	Public	Private not-for-profit	Total	Public 2-year	Private for-profit*	Other
White, non-Hispanic	32.9	14.6	47.5	41.3	3.8	7.4
Black, non-Hispanic	27.8	11.5	39.3	44.4	7.8	8.5
Hispanic, any race	25.3	14.6	39.9	44.7	8.5	6.9
Asian American	36.4	11.9	48.3	39.0	4.3	8.5
American Indian/Alaska Native	22.2	13.0	35.2	53.4	2.9	8.6
Native Hawaiian/Pacific Islander	27.4	12.3	39.7	46.9	5.6	7.9
Other	28.0	14.2	42.2	40.4	4.5	13.0
Total	31.3	14.0	45.3	42.1	4.9	7.6

* Most private-for-profit institutions (75 percent) offer programs that are two years or less.
The column "Other" includes students who attend more than one institution and private not-for-profit institutions that offer less than four-year programs.
Source: U.S. Department of Education, National Center for Education Statistics, *Profile of Undergraduates in U.S. Postsecondary Educational Institutions: 1999–2000*, Statistical Analysis Report, July 2002, p. 22.

Institutional selectivity also has an effect on educational outcomes. Researchers have noted that attending a selective program can influence future career aspirations, pursuit of graduate education, earning potential, and other success measures.[5] A study of full-time, first-year students at four-year colleges and universities found that black students are more than three times as likely to be enrolled in the least competitive institutions compared with the most competitive.[6] Conversely, Asian American students are more than six times as likely to be enrolled in the most competitive institutions as in those that have noncompetitive admissions policies. White students tend to be most represented among institutions classified as highly competitive, very competitive, and competitive (see table 4.4). This finding validates the concerns expressed by some scholars that the more selective institutions become, the less likely they are to recruit and admit minority students and those from lower socioeconomic classes.[7] Further, from these data it can

[4] U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System, "Fall Enrollment" surveys, prepared April 2001.

[5] The Civil Rights Project, Harvard University, "Civil Rights Alert, The Struggle to Keep College Doors Open," n.d., <http://www.law.harvard.edu/civilrights/alerts/access.html>.

[6] Note that in this section the term "first-year" is used rather that "first-time." This reflects the terminology used in the data cited and includes students who are in their first year of college, regardless of whether they have previously attended.

[7] *See* discussion on admissions standards in chap. 3.

be surmised that disparities in access have led to a form of " 'educational segregation'—the differential clustering of students in institutions by race, gender, or socio-economic status."[8]

Table 4.4
Percentage of Full-Time First-Year Students Attending Four-Year Colleges and Universities (N=1394) by Selectivity of Institution, 1997

	African American	Hispanic	White	Asian American
Total enrollment	11.3	6.0	73.8	6.1
Most competitive (49)	6.6	6.0	69.1	13.3
Highly competitive (70)	5.2	5.3	76.9	9.9
Very competitive (224)	6.0	6.7	75.5	9.0
Competitive (652)	10.4	5.3	77.0	4.5
Less competitive (288)	21.4	7.0	64.9	4.1
Non-competitive (111)	22.6	6.7	66.1	2.1

Source: Michael T. Nettles, professor of education, University of Michigan, "The Challenge of Diversity in College Admissions," Feb. 18, 2000, <www.nettles.org/presentation_events/UVA_presentation.pdf>.

GRADUATE/PROFESSIONAL STUDENT ENROLLMENT

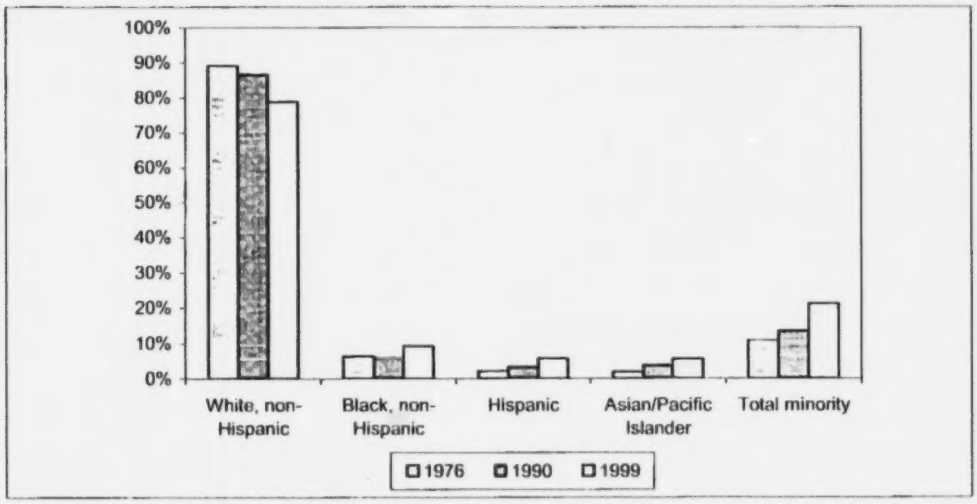
Similar patterns of minority enrollment exist at the graduate and professional levels. As figure 4.3 illustrates, there has been an overall increase in the enrollment of students of color in graduate schools over the last 25 years. In 1976, minority students made up 10.8 percent of the graduate students enrolled in institutions of higher education. By 1999, the percentage had nearly doubled to 21.3 percent.[9] Yet, minorities remain more underrepresented in the graduate student population than among undergraduates. In 1999, the demographic composition of graduate students was as follows: 78.7 percent white, non-Hispanic; 9.3 percent black, non-Hispanic; 5.7 percent Hispanic; 5.6 percent Asian Pacific American; and 0.6 percent American Indian/Alaska Native.[10] These numbers reflect a significant underrepresentation of African American and Hispanic graduate students in particular, as compared with their representation in the national population.

[8] U.S. Department of Education, National Center for Education Statistics, *Reconceptualizing Access in Postsecondary Education, Report of the Policy Panel on Access*, August 1998, p. 1 (hereafter cited as NCES, *Reconceptualizing Access in Postsecondary Education*).

[9] U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001*, table 208, p. 243.

[10] Ibid.

Figure 4.3
Racial/Ethnic Composition of Graduate Students, 1976–99



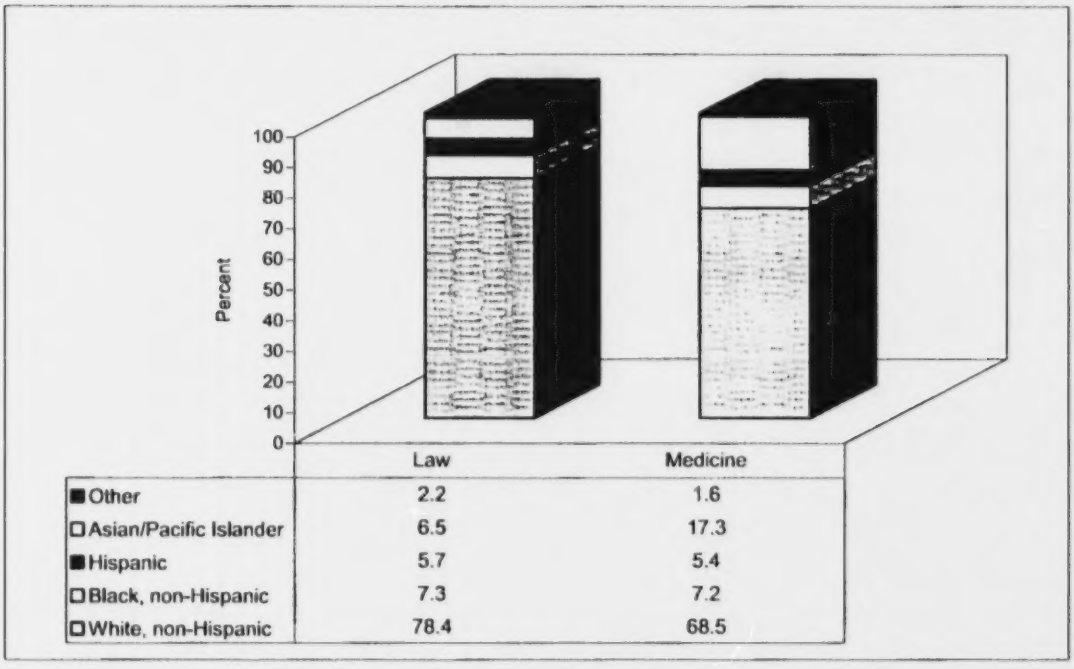
Note: The numbers of American Indian/Alaska Native students are too small to show on the graph. In 1976 they made up 0.4 percent of graduate student enrollment, and in 1999 they made up 0.6 percent.
Source: U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001*, table 208, pp. 242–43, compiled from Higher Education General Information Survey, "Fall Enrollment in Colleges and Universities" and Integrated Postsecondary Education Data System, "Fall Enrollment" surveys.

Similar underrepresentation exists in law schools, where in the 1999–2000 academic year minority students made up 21.6 percent of the law student population (see figure 4.4). Minority students are better represented in the field of medicine, making up 31.5 percent of the students enrolled in medical schools in 1999–2000, largely due to the high representation of Asian Pacific American students (17.3 percent). Hispanic and black students are both significantly underrepresented in the fields of law and medicine compared with their representation in the general population.

While blacks compose 12.3 percent of the U.S. population, they make up 7.3 and 7.2 percent of law and medical students, respectively. Hispanics compose 12.5 percent of the U.S. population, but only 5.7 percent of law students and 5.4 percent of medical students.[11] Particularly in the field of medicine, where cultural and linguistic competency is critical, there is reason to be alarmed by the striking absence of minority students, and further research examining the reasons behind such disparities is critical.

[11] Ibid., table 278; U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, "Profiles of General Demographic Characteristics, 2000," issued May 2001.

Figure 4.4
Professional Degree Enrollment by Race/Ethnicity, 1999–2000



	Law	Medicine
Other	2.2	1.6
Asian/Pacific Islander	6.5	17.3
Hispanic	5.7	5.4
Black, non-Hispanic	7.3	7.2
White, non-Hispanic	78.4	68.5

The category of "Other" includes American Indian/Alaska Native and nonresident alien students.
Source: U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001*, table 278, compiled from Integrated Postsecondary Education Data System, "Completions" survey.

CONCLUSION

As the data demonstrate, national trends in postsecondary education reveal continued disparities in higher education, despite the improvement made as a result of affirmative action programs. While the numbers of college students of color increased significantly in the 1990s, minority students remain underrepresented in the most selective undergraduate institutions, those that offer four-year degrees, and in graduate and professional schools. Significant enrollment disparities among population subgroups persist.

National postsecondary education data demonstrate alarming trends. It is clear that equal access to education has not yet been achieved. Moreover, recent challenges to longstanding affirmative action policies, which allow such factors as race and ethnicity to be considered in the admissions process, may cause "doors leading to certain higher education institutions . . . to close altogether for some students."[12]

[12] NCES, *Reconceptualizing Access in Postsecondary Education*, p. 1.

CHAPTER 5

Facilitating Academic and Financial Access to Higher Education

Access to higher education is not only dependent on a fair and flexible admissions process, as has been the focus of this paper thus far, but can also be limited by inadequate academic preparation and financial constraints. Only when all three components are present—admissions, academic, and financial support—can affirmative access to higher education truly be achieved. Academic support and financial aid are vital measures to level the opportunities for higher education, and the federal government's role is therefore critical.

Because race, ethnicity, and socioeconomic status are so clearly linked in the United States, with people of color more often making up the ranks of the poor, these are the students most likely to require academic and financial supports. With recent attention drawn to America's "failing schools," perhaps more than ever, federal intervention in the form of outreach, counseling, and supplemental academic instruction is paramount. Further, research has shown that increases in tuition rates and relative decreases in financial aid have had a significant effect on college enrollments for minority and lower-income students, limiting the opportunities for those who cannot afford the high costs of college.[1] Financial access not only has implications for the choices in institutions students have, but also their ability to complete a course of study, both of which have long-term socioeconomic consequences.

Over the last 40 years, many federal and state programs have been implemented to meet the needs of low-income students. These include the federal TRIO programs to assist disadvantaged and low-income students in preparing for higher education and financial aid to assist lower- and middle-income students with college tuition and expenses. Following is a detailed assessment of how these federal initiatives, when used in conjunction with proactive recruitment and admissions efforts, can contribute to the goal of increasing diversity on college campuses across the country.

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[1] *See, e.g.*, Michael S. McPherson and Morton O. Schapiro, *Reinforcing Stratification in American Higher Education: Some Disturbing Trends*, National Center for Postsecondary Improvement, Stanford University, 1999, pp. 14–15; Thomas G. Mortenson, *The Impact of Financial Aid on College Retention for Minority Students, submission to the Summit on College and University Retention* (Clinton, NJ: Merck & Company, November 1999); the Institute for Higher Education Policy, *The Policy of Choice: Expanding Student Options in Higher Education*, August 2002.

THE TRIO PROGRAMS

TRIO refers to a set of federal programs designed to assist and encourage economically disadvantaged students to pursue and complete postsecondary education.[2] Congress initially established the first three programs in the 1960s: Upward Bound, Talent Search, and Student Support Services. By the 1980s, TRIO expanded to include three additional programs: the Educational Opportunity Centers, the Training Program for TRIO staff,[3] and the Ronald E. McNair Postbaccalaureate Achievement Program. In 1990, the Department of Education created the Upward Bound Math/Science Program, and in 1998, the TRIO Dissemination Partnership Program began.[4]

TRIO designates money to help students overcome class, social, academic, and cultural barriers to higher education. TRIO funds are provided by the Department of Education and are distributed to institutions of higher education, businesses, private organizations, and individuals through competitive grants. More than 1,200 colleges, universities, community colleges, and agencies sponsor TRIO programs.

TRIO—How It Works

The mission of the TRIO programs is to "maximize educational opportunities for low-income and potential first-generation college students through direct services that provide access to education and encourage retention through the education pipeline." The goal is "to help students succeed in attaining postsecondary education and graduating from degree programs."[5] TRIO programs are designed to identify promising students for college (Talent Search), prepare them to do college-level work (Upward Bound), provide tutoring and support services to ensure college retention and graduation (Student Support Services), and encourage low-income and minority undergraduates to consider doctoral studies (Ronald E. McNair Postbaccalaureate Achievement Program). By offering such services as tutoring, academic instruction, and projects to improve students' study skills, the grantees strive to meet TRIO's mission and goals. It is the responsibility of the grantees to find and place eligible students in the programs and provide the resources necessary to carry out the services offered. To help identify and recruit eligible elementary, middle, and high school students, many of the TRIO grantees establish long-term rela-

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[2] U.S. Department of Education, Office of the Under Secretary, Planning and Evaluation Service, *Satisfaction with TRIO Programs*, Final Report, 1999, p. 1 (hereafter cited as DOEd, *Satisfaction with TRIO*).

[3] The Educational Opportunity Centers provide grants to institutions for counseling and college admissions information to qualified adults, the majority of whom are displaced or underemployed workers. The grants help them to enter or continue postsecondary education. The purpose of the TRIO training program is to enhance the skills and expertise of staff employed in TRIO programs. *See* DOEd, *Satisfaction with TRIO*, pp. 2–3. *See* Lisa Ross, "Upward Bound; SUNO (Southern University, New Orleans) Lauds College Prep Program," *Times-Picayune, East New Orleans*, Mar. 5, 2000, p. C1 (hereafter cited as Ross, "Upward Bound; SUNO").

[4] The three original programs were funded under Title IV of the Higher Education Act of 1965, as amended, Part A (20 U.S.C. §§ 1070a-11 and 1070a-13); DOEd, *Satisfaction with TRIO*, pp. ix, 1–2. In October 1998, the TRIO Dissemination Partnership Program was authorized, with its first grants awarded in September 1999. The program is designed to encourage grantees to share their best practices with non-TRIO educational program operators. Cheryl D. Fields, "Going Head-to-Head or Hand-in-Hand?" *Black Issues in Higher Education*, Dec. 6, 2001, p. 29. This section focuses on the four student TRIO programs: Talent Search, Upward Bound, Student Support Services, and the Robert E. McNair Postbaccalaureate Program.

[5] U.S. Department of Education, Office of TRIO Programs, "A Profile of the Ronald E. McNair Postbaccalaureate Achievement Program: 1998–99," April 2002, p. 2, <http://www.ed.gov/offices/OPE/HEP/trio/mcnair.html> (hereafter cited as DOEd, "A Profile of the Ronald E. McNair Program").

tionships with schools in nearby communities. They usually network with the schools' guidance counselors to help find students for the programs.[6] The in-college programs are advertised on campuses and eligible students may apply directly if they meet the requirements.

For a grantee to receive TRIO funds, two-thirds of the participating students must come from a low-income family in which neither parent graduated from college.[7] Income eligibility is based on the size of the family unit and the family's income level, as determined by the Department of Education.[8] For example, in 2002, a student is eligible to participate in TRIO if the family's income is less than $27,150 for a family of four.[9]

Currently, 1,750 TRIO programs serve nearly 700,000 low-income Americans. Forty-two percent of TRIO students are white; 35 percent are African American; 15 percent are Hispanic; 4 percent are Asian Pacific American; and 16,000 are disabled.[10]

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[6] In the grant applications, grantees are required to describe the need for the project and submit a plan of operation, including the criteria for the selection of students. The plan identifies the target (geographic) area and/or schools that they have contacted for eligible students. Eligibility is based on family income, and recruitment or selection sites may be based on various factors, including the number of students eligible for free lunch or the number of students at a school who participate in other programs for economically disadvantaged children. Frances Bergeron, team leader, Office of TRIO Programs, U.S. Department of Education, telephone interview, Sept. 5, 2002 (hereafter cited as Bergeron telephone interview, Sept. 5, 2002).

[7] The Robert E. McNair Program may include certain minority undergraduates who are considered to be underrepresented in graduate education.

[8] For TRIO eligibility, the term "low-income individual" means an individual (student) whose family's taxable income for the preceding year did not exceed 150 percent of the poverty level amount. There are two versions of the federal poverty measure: the poverty thresholds and the poverty guidelines. The poverty thresholds are the original version of the federal poverty measure. The poverty thresholds are updated each year by the Census Bureau and are used mainly for preparing estimates of the number of Americans in poverty each year. The poverty thresholds are the official poverty population figures. The poverty guidelines are the other version of the federal poverty measure. They are issued each year in the *Federal Register* by the U.S. Department of Health and Human Services (HHS). The guidelines are a simplification of the poverty thresholds and are used for determining the financial eligibility of certain federal programs. The poverty level is the same for 48 contiguous states and the District of Columbia, and is slightly higher for Alaska and Hawaii. The Department of Education uses a variation of the two federal poverty measures in computing the income eligibility criteria for TRIO. The department adjusts the family income levels established by the Census Bureau by increasing the amounts of the poverty income by 150 percent based on the size of the family unit. For example, in 2002, the poverty level amount for a family of four is $18,100. When adjusted by 150 percent, the poverty income level for the same size family is $27,150. The poverty level income is adjusted for each size of the family unit. *See* U.S. Department of Education, "Federal TRIO Programs 2002 Annual Low Income Levels," Feb. 22, 2002, <http://www.ed.gov/offices/OPE/HEP/trio/incomelevels.html>.

[9] It should be noted that unlike the Census Bureau, HHS does not report the ages of the family members in its poverty guidelines or in its TRIO income formula. Thus, it is difficult to know exactly how many children are eligible for the TRIO programs based on the department's income eligibility criteria. Frances Bergeron, team leader, office of Federal TRIO Programs, U.S. Department of Education, telephone interview, Sept. 9, 2002.

[10] The National Council of Educational Opportunity Associations (NCEOA), "Real Educational Opportunity for Low-Income Americans," pp. 1–6, <http://www.gsu.edu/~wwwsss/trio.html> (hereafter cited as NCEOA, "Real Educational Opportunity"). NCEOA is a nonprofit organization that represents institutions of higher education committed to advancing equal educational opportunity for disadvantaged youth. Its principal concern is sustaining and improving educational program services, the majority of which are TRIO programs. Since 1965, more than 10.5 million Americans, 67 percent from poor and working families, have benefited from TRIO. Of that number, 39 percent are white, 36 percent are African American, 16 percent are Hispanic, 5 percent are American Indian, and 4 percent are Asian Pacific Americans. Ross, "Upward Bound; SUNO," p. C1.

Talent Search (TS) is a pre-college program that identifies and assists economically disadvantaged youth in elementary, middle, and senior high schools who have the potential to succeed in higher education. The program provides academic, career, and financial aid counseling, tutoring, exposure to college campuses, and assistance in preparing for college entrance examinations and in completing college admission applications.[11] The goal of the program is to increase the number of economically disadvantaged youth who graduate from high school and continue on to a postsecondary institution of their choice. In 1999, Talent Search served 323,541 students, the majority of whom were in middle school; 74 percent were low-income and first-generation college students, and 68 percent of the participants were minorities.[12]

The goal of Upward Bound (UB) is to increase the rates of economically disadvantaged middle and high school students and adults completing secondary education and enrolling in higher education institutions. Most of the students—about 90 percent—enter UB in the ninth or 10th grade, and about 35 percent remain with the program through high school graduation.[13] In 1999, UB served 52,960 students, the majority of whom were African American. The program provides grants to institutions for fundamental support in participants' preparation for college through participation in pre-college academic programs. Participants receive instruction in literature, foreign languages, and other subjects they will likely encounter on college campuses.[14]

The Upward Bound Math and Science (UBMS) program offers grants to institutions to strengthen the math and science skills of participating low-income, first-generation college students. The goal of the math and science component of UB is to help high school students recognize and develop their potential to excel in math and science and to encourage them to pursue postsecondary degrees in those fields.[15] In 1999, 6,200 participated in the UBMS program.

The Student Support Services (SSS) program focuses on improving college retention and graduation rates of disadvantaged college students. The in-college program provides participants with academic and nonacademic supplemental services that include tutoring, career and personal counseling, remedial assistance, and cultural enrichment activities. Seven hundred SSS projects currently serve 165,000 college students. The program is targeted to serve students from low-income families, students with disabilities, or those for whom neither parent has graduated from

[11] DOEd, *Satisfaction with TRIO*, pp. 2–3. U.S. Department of Education, "A Study of the Talent Search Program," 1995 <http://www.ed.gov/offices/OUS/PES/higher/talent.html>; U.S. Department of Education, Office of Federal TRIO Programs, "A Profile of the Talent Search Program: 1998–99," May 2002 (hereafter citied as DOEd, "A Profile of the Talent Search Program, 1998–99").

[12] DOEd, "A Profile of the Talent Search Program 1998–99," p. ix.

[13] U.S. Department of Education, "The National Evaluation of Upward Bound: Summary of First-Year Impacts and Program Operations," 1997, http://www.ed.gov/offices/OUS/PES/higher/upward3.html> (hereafter cited as DOEd, "The National Evaluation of Upward Bound," 1997); U.S. Department of Education, Office of the Under Secretary, Planning and Evaluation Service, "The Impacts of Upward Bound: Final Report For Phase I of the National Evaluation Analysis and Highlights," <http://www.ed.gov/offices/OUS/PES/higher/upward.html> (hereafter cited as DOEd, "Impacts of Upward Bound: Phase I, 1999).

[14] DOEd, *Satisfaction with TRIO*, p. 3; NCEOA, "Real Educational Opportunity," p. 2.

[15] DOE, *Satisfaction with TRIO*, p. 3.

college. SSS students are more likely to be economically disadvantaged and minority, and have poor academic preparation for college.[16]

The Ronald E. McNair Postbaccalaureate Achievement (McNair) Program[17] prepares low-income, first-generation college students and individuals who are underrepresented in graduate education (African Americans, Hispanic/Latinos, and Native Americans) for doctoral studies. The McNair program awards grants to institutions of higher education for projects designed to prepare participants for doctoral studies through involvement in research and other scholarly activities. The program offers the following services: mentoring, summer internships, tutoring, seminars, and counseling. The goal is to increase graduate degree attainment of eligible students.[18] In 1999, 3,641 undergraduates participated in the McNair program. Seventy-two percent were classified as low-income and first-generation students, and 75 percent were classified as members of underrepresented racial and ethnic groups.[19] In fiscal year 2001, $35.8 million was awarded in 156 grants to higher education institutions to serve an estimated 3,774 students.[20] The program offers participants the following services: mentoring, summer internships, tutoring, academic counseling, seminars and other scholarly activities, assistance in securing admission and financial aid for enrollment in graduate programs, and research opportunities for participants who have completed their sophomore year of college.[21]

Federal Appropriations for TRIO

Over the years, there has been strong congressional support for the TRIO program. Appropriations for TRIO were $600 million for fiscal year 1999,[22] and nearly $700 million in fiscal year 2001.[23] In its fiscal year 2003 budget request, the Bush administration recommended $800 mil-

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[16] U.S. Department of Education, "National Study of Student Support Services: Third Year Longitudinal Study Results, Analysis and Highlights," 1997, <http:www.ed.gov/offices/OUS/PES/higher/sssyr3.html>; U.S. Department of Education, "Interim Report; National Study of Student Support Services: Third Year Longitudinal Study Results," 1997, Executive Summary, <http:www.ed.gov/offices/OUS/PES/higher/sss3.html>.

[17] The program is named in honor of the African American astronaut who died in the 1986 space shuttle explosion. University of Illinois at Urbana-Champaign, Office of Minority Student Affairs, "What Is TRIO?" <http://www.omsa.uiuc.edu/webstar/html/ilaeopp/whats_trio.html>.

[18] In 1999, 75 percent of the McNair grantees were public institutions. Historically black colleges and universities made up 10 percent of grantees, and Hispanic-serving institutions accounted for 11 percent of the grantees. DOEd, "A Profile of the Ronald E. McNair Program," pp. viii, xi, 2.

[19] DOEd, "A Profile of the Ronald E. McNair Program," p. xii.

[20] U.S. Department of Education, "Ronald E. McNair Post-Baccalaureate Achievement Program," and "McNair Program List of Funded Projects for 2001–2002, <http://www.ed.gov/offices/OPE/Hep/trio/mcnair.html>.

[21] DOEd, "A Profile of the Ronald E. McNair Program," p. 2.

[22] DOEd, *Satisfaction with TRIO*, p. 2. Through the years, the TRIO programs have received congressional support. For example, supporters of TRIO have worked to bypass spending caps established by the 1997 Balanced Budget Act in order to increase the funding. In 1999, Congress decided to increase the funding at a higher level than the Clinton administration's funding proposal for the program. One of the strongest supporters of TRIO is Rep. Henry Bonilla, who participated in the Talent Search program as a youth. He says that the program "made a huge difference" in his life. He further states that "TRIO programs help a lot of kids do a lot of great things they might not be able to do otherwise. That is why Upward Bound and TRIO have a lot of support in Congress." Brian Boney, "TRIO Helps Low-Income Students; Programs Find Friends in High Places," *Dallas Morning News*, Aug. 3, 1999, p. 16A.

[23] Cheryl D. Fields, "Can TRIO and GEAR UP Continue to Coexist?" *Black Issues in Higher Education*, Dec. 6, 2001, pp. 28–29.

lion for the TRIO program.[24] Table 5.1 shows the TRIO funding for 1967 through 1999. Overall, TRIO finding reflects a generally upward trend with occasional decreases, which have applied to TS, UB, and SSS.

Table 5.1
TRIO Funding Levels in Constant 1999 Dollars (Millions), 1967–99

Year	TS	UB	UBMS	SSS	McNair	Total
1967	$12.4	$139.7	N/A	N/A	N/A	$152.1
1970	$21.5	$127.1	N/A	$42.9	N/A	$191.5
1975	$18.6	$118.6	N/A	$71.2	N/A	$218.4
1980	$30.9	$126.4	N/A	$121.3	N/A	$378.6
1985	$32.1	$114.0	N/A	$108.5	N/A	$256.6
1990	$24.5	$128.2	$4.3	$115.9	$3.8	$276.7
1995	$85.7	$208.3	$20.8	$156.9	$20.9	$512.6
1999	$98.5	$220.5	$29.3	$178.9	$32.1	$559.3

Source: U.S. Department of Education, Office of Federal TRIO Programs, *A Profile of the Talent Search Program: 1998–99*, May 2002, p. 2.

One educational organization, the Council for Opportunity in Education, reports that nearly 9.6 million low-income students from middle school to college are currently eligible to participate in the TRIO programs. Although TRIO has received increases in appropriations through the years, current funding allows less than 7 percent of the eligible population to be served. To expand the services, the Council for Opportunity in Education recommends a $200 million increase (over the proposed $800 million in 2002) for the program in 2003, for a total funding of $1 billion.[25]

Minority Participation in TRIO

Table 5.2 shows TRIO funding, number of grants awarded, number served, average grant award and average number served, and the number and percentage of minorities served in 1999 in each program. Approximately 54 percent of the TRIO participants are minorities.

[24] *See* National Council of LaRaza, "Analysis of President's FY 2003 Budget Plan," March 2002, p. 6. The Bush budget proposal labeled one of the major TRIO programs, Upward Bound, as being ineffective. However, supporters of the program maintain that the conclusion is based on limited data randomly assigned to Upward Bound programs nationwide. The random sample included students who had not completed high school and were not ready to enroll in college. In support of TRIO, Sen. Russell Feingold introduced legislation to broaden access to TRIO programs among two-year colleges. *See* Charles Dervarics, "Budget, Evaluations Pose Challenges for TRIO," *Black Issues in Higher Education*, June 6, 2002, pp. 8–9.

[25] Charles Dervarics, "Budget, Evaluations Pose Challenges for TRIO," *Black Issues in Higher Education*, June 6, 2002, p. 8.

Table 5.2
Selected Characteristics of TRIO Programs, 1999

	No. of grants	No. served	Avg. grant award	Amt. per person served	Avg. no. served per program	Minority participation	
						Number	Percent
TS	361	323,541	$272,717	$304	896	220,008	68
UB	772	52,960	$285,623	$4,164	69	42,368*	80
UBMS	124	6,200	$236,000	$4,722	50	*	
SSS	796	178,099	$224,770	$1,005	224	96,173	54**
McNair	156	3,641	$205,859	$8,600	24	2,731	75

* UB minority participation is for 1997, the most current published data, and includes UBMS.
** SSS minority participation is for 1997–98, the most current aggregated data. The 2000–01 UB and SSS performance reports have not been published.
Source: U.S. Department of Education, Office of Federal TRIO Programs, *A Profile of the Ronald E. McNair Postbaccalaureate Achievement Program: 1998–99*, April 2002, p. 12; U.S. Department of Education, Office of Federal TRIO Programs, *A Profile of the Talent Search Program: 1988–1999*, May 2002, p. 8.

Table 5.3 shows the participation of whites and minorities in TRIO. Minorities are well represented in the TRIO programs, particularly in the UB and McNair programs, 80 and 76 percent, respectively. Relative to the other programs, minority participation is lowest in the SSS program, just 52 percent.

Table 5.3
Participation of Whites and Minorities in Pre- and In-College TRIO Programs, 1997–99

	White	Total minority	African American/ Black	Hispanic/ Latino	Asian American/ Pacific Islander	Native American/ Alaska Native	Other
TS 1998–1999	32%	65%	35%	22%	4%	4%	2%
UB 1997	20%	80%	53%	20%	7%*	**	N/A
SSS 1996–1997	46%	52%	28%	16%	5%	3%	2%
McNair 1998–1999	23%	76%	40%	26%	6%	4%	2%

* Includes Asian American/Pacific Islanders and Native Americans in UB.
** Included in total for Asian American/Pacific Islanders.
Note: Numbers may not add up to 100 percent due to rounding. Category of "Other" is not counted in total minority column. Except for UB, the racial/ethnic data for the programs are reported in the TRIO performance reports. The 2000–01 reports have not been published by DOEd. UB data are from a study on the program that was funded by DOEd. The TRIO clearinghouse, which provided the data, is also funded by DOEd. The clearinghouse collects and disseminates information, program materials, and research related to TRIO programs.
Source: U.S. Department of Education, Program Performance Report Profiles, e-mail submission from Jennie Simpson, program assistant, National TRIO Clearinghouse, Aug. 8, 2002.

Students who are eligible to participate in TRIO are not being served because TRIO programs are concentrated in limited areas. According to the TRIO team leader at the Department of Education, many of the TRIO grantees are "repeaters" (participating in the programs for multiple years), and have networked with the same communities and schools, and in communities that are in close proximity of the funding institution, to recruit eligible students.[26] The department does not require

[26] Bergeron telephone interview, Sept. 5, 2002. The team leader explained that in the past, the department believed that the same grantees (or repeaters) brought "experience and stability" to the TRIO programs. These grantees were almost assured to have their grant applications renewed each year.

that certain school districts or schools be served, but only that the students meet the eligibility requirements stated in the law.[27]

In 1998, the College Board, in association with the Education Resources Institute and the National TRIO Clearinghouse, conducted a national survey of college and pre-college outreach programs, including TS and UB. The survey reported that about one-half of the outreach programs were limited to a particular school or school district, and one-fourth of the servers targeted a particular community.[28] The survey data also showed that of the 12 groups of student populations targeted for the outreach programs, the three most targeted student populations included low-income, minority, and first-generation students (first-time college student in the household). Students who speak English as a second language (ESL) ranked last among the targeted groups.[29] The targeting of the same schools, communities, and school districts, as well as the low ranking of ESL students as a target group may lead to the underservicing of eligible students. For example, Latinos, who make up the largest immigrant population in the United States, are widely dispersed, with more than half living in areas that are not served by TRIO programs.[30]

The TRIO team leader at the Department of Education said that the agency is aware of new groups who may be eligible for the programs and that grantees now get "extra points" in their grant applications for identifying new target areas with higher needs for the TRIO programs. In the future, she said, the department will take note if more applicants are broadening their target areas.[31] However, she stressed that targeting new geographic areas for students is not required, and if it is done grantees will still identify students based on their economic status and not the race or ethnicity of the student population in the area. Expanding target areas may not necessarily guarantee a significant increase in the participation of minorities in the programs.[32]

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[27] Bergeron telephone interview, Sept. 5, 2002.

[28] Watson Scott Swail, "Engaging a Nation: Expanding the Role of TRIO and other Outreach Programs," *reprinted* from *Opportunity Outlook*, the journal of the Council for Opportunity in Education, November 2002, p. 3.

[29] Swail, "Engaging a Nation," pp. 1–6. The survey reported that outreach programs generally focus on helping "educationally or economically" disadvantaged students. The three most targeted student populations represented high areas of most concern for policymakers and educators. Other target groups included middle and high school students, students of various academic abilities, and other segments of society (e.g., women).

[30] *See* Lynette Clemetson, "Latino Population Growth Is Widespread, Study Says," *New York Times*, July 31, 2002, p. A17. Large numbers of low-income and poor immigrants with limited English language skills are settling in non-traditional areas such as Georgia, Tennessee, and North Carolina. These states are facing challenges integrating immigrants into society, including the school system. *See also* "Across the USA," *USA Today*, Aug. 12, 2002, p. 4A. Large numbers of Latino immigrants, mainly from Mexico, are settling in what are called *colonias*. There are about 1,800 of these communities that are conglomerations of shacks and trailers, and are some of the poorest communities in the nation. According to the Census Bureau, nine of the 10 poorest communities of 1,000 households or more are *colonias* near the Mexican border. One of these communities in Texas has the lowest per capita income ($4,103) and barely one person in five has a high school diploma. Many of these children are probably missing out in educational opportunities despite meeting the criteria for TRIO. *See* Lee Hockstader, "Immigrants From Mexico Take Steps Toward Hope," *Washington Post*, Aug. 25, 2002, pp. A3, A15.

[31] Bergeron telephone interview, Sept. 5, 2002. She also noted that over the years, the number of Hispanic institutions requesting grants has increased.

[32] Bergeron telephone interview, Sept. 5, 2002.

TRIO—Is It Working?

There is strong support for the TRIO programs from lawmakers, educators, grantees, and educational institutions and organizations. In many ways, the TRIO programs meet their objectives and mission. For example, the National Council of Educational Opportunity Associations reports that:

- Students in the UB program are four times more likely to earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO.
- Students in TRIO's SSS program are twice as likely to remain in college than those from similar backgrounds who did not participate in the program.
- TRIO high school participants predominantly attend four-year colleges and are less likely to attend proprietary or two-year schools.[33]

As part of its effort to assess the effectiveness of TRIO, the Department of Education requires annual performance reports prepared by the grantees on their initiatives, recipients, and services.[34] The latest published evaluations of TS and McNair cover 1998–1999. UB and SS were evaluated in longitudinal studies funded by the department. The department's TRIO performance reports focus on the number of participants served by each program, the services provided, and how well they performed in the program. The department does not require or analyze racial/ethnic data on TRIO participants' college admissions, enrollment, retention, and graduation rates. For example, the department does not aggregate the data on the race or ethnicity of the participants who complete UB and continue to college, or the percentage of minorities who complete SSS and continue to graduate school.[35] The department collects and reports information on the McNair participants by race/ethnicity, but not data on how many complete doctoral programs. The TRIO team leader and a program analyst at the department said that much of the data are not available because it is difficult to track students throughout the programs since they do not participate in all TRIO programs, or may not complete a program or enroll in the college or

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[33] NCEOA, "Real Educational Opportunity," pp. 1, 5.

[34] The department does not require grantees to report TRIO participants by race or ethnicity, but almost all grantees do. The numbers or percentages do not change significantly from year to year. The reports break down the racial/ethnic information according to the racial classifications designated by the Office of Management and Budget. The data from the individual institutions are aggregated by the department in final profile reports, and some racial/ethnic data, while reported, may not be published. Racial/ethnic data are available for all programs except UB. Demographic data on UB participants will be published in evaluation reports beginning in 2002. Frances Bergeron, team leader, Program Management Development, Office of Federal TRIO Program, U.S. Department of Education, telephone interview, Aug. 15, 2002 (hereafter cited as Bergeron telephone interview, Aug. 15, 2002).

[35] For example, in the SSS program, a program analyst at the Department of Education explained that it would be difficult to track students in SSS who go to graduate school, since it is estimated that it takes six years (on average) to graduate from undergraduate school and enter graduate studies. To explain, many students transfer as undergraduates, may work before entering graduate school, or leave the SSS program before their four years in undergraduate school are completed. Further, most SSS participants are freshmen. He also said that the focus of SSS is to promote the students' success in undergraduate school and not to move them into graduate school. If the focus of the program changes, there may be more information on tracking the students after the program. Michael Fong, program analyst, U.S. Department of Education, telephone interview, Aug. 15, 2002 (hereafter cited as Fong telephone interview). With respect to UB, the department plans to publish, for the first time, racial/ethnic data in its 2001–2002 report, which will be released during the fall of 2002. Bergeron telephone interview, Aug. 15, 2002.

university where the program was conducted, or that the information, particularly the racial/ethnic information, is not required by law or the department.[36]

The 1998–99 evaluation of TS reported that of the 307,451 students participating, 98 percent of the middle school participants and 96 percent of the high school participants remained in school. Seventy-one percent of "college ready" participants were admitted to, or enrolled in, a program of postsecondary education.[37] A 1997 evaluation of the UB program reported that 45,000 students across the United States participated. The evaluation concluded that UB offers benefits to students by exposing them to academically challenging courses and college experience.[38] The study also found that Hispanic students, as a group, have benefited from the program.[39]

The 1997 evaluation of SSS showed a "small but positive and statistically significant" impact of the program on student outcomes. The longer a student stayed in SSS, the more significant the impact and effectiveness. Among its findings, those students who participated in SSS for three years had increased grade point averages (GPAs) and earned more semester credits, and tended to have higher retention rates at the same institution than those with similar backgrounds who did not participate in the program.[40] To illustrate, for SSS participants, retention at the same institution to the second year increased by 7 percent, and to the third year, by 9 percent. In the third year after participants were freshmen, 58 percent who began at a two-year institution were still there or at some other college; 78 percent of those who began at a four-year institution and 83 percent of those who began a doctoral program were enrolled at the same institution.[41]

McNair project staff may track student participants from their enrollment in the program through their completion of a doctoral degree or withdrawal from the program. However, tracking the students throughout their college career may be difficult to do. To explain, depending on the undergraduate year in which a student enters the McNair program, the student may take from six to 10 years to complete his or her doctorate. Thus, institutions tend to report more "intermediate" outcomes to assess the success of the McNair program, such as the number and percentage of the McNair students enrolled in an undergraduate program, or those participants enrolled in a graduate degree program, or those who graduated from either a graduate or undergraduate degree program, or those who were dismissed or withdrew from either a graduate degree or undergraduate degree program. Although the 1998–99 report covers three years of data, it acknowledges that

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[36] Bergeron telephone interview, Aug. 15, 2002; Fong telephone interview.

[37] DOEd, "A Profile of the Talent Search Program 1998–99," p. x.

[38] The national evaluation of UB is a six-year, longitudinal study commissioned by the Planning and Evaluation Service of the Department of Education that began in 1992. *See* DOEd, "The National Evaluation of Upward Bound," 1997; DOEd, "Impacts of Upward Bound: Phase I," 1999. The study did not focus on Upward Bound students who entered college, their completion rates, their fields of study, or postgraduate studies. The study focuses on the impact of UB on students' achievement during high school.

[39] The study reports that several groups of students benefited substantially in UB. They included students with lower educational expectations, academically high-risk students, and Hispanic and white students who were low-income and first-generation students. DOEd, "Impacts of Upward Bound: Phase I," 1999, p. 3.

[40] U.S. Department of Education, "Interim Report; National Study of Student Support Services: Third Year Longitudinal Study Results," 1997, pp. 1–5 <http://www.ed.gov/offices/OUS/PES/higher/sss3.html> (hereafter cited as DOEd, "National Study of Student Support Services").

[41] DOEd, "National Study of Student Support Services," p. 3.

the data are not consistent and there are different variables for analysis. The most consistent data that could be aggregated showed that of the 9,090 McNair students who graduated from an undergraduate program, an estimated 47 percent were attending a graduate program in 1998–99.[42]

Conclusion

In summary, the TRIO programs have received funding support from Congress and presidential administrations, and are viewed by educators and educational organizations as effective in affording educational opportunity beyond high school for many youth who would not have the opportunity to participate in higher education. However, there is a paucity of aggregated data to assess the extent of TRIO's influence on college enrollment and graduation of its participants, particularly minorities.

In addition, while many of the grantees advertise the programs on their Web site, they tend to network with the same communities and schools to recruit students. Thus, new communities where large immigrant populations reside may not be serviced by the TRIO programs. Moreover, it is probable that many of the economically disadvantaged children lack computers to access the Internet. Further, ESL students are not a high priority for outreach that minimizes their participation in the programs.

The importance of TRIO programs is unquestionable. Budget constraints at most college and universities have eliminated or minimized most of their transition and outreach programs that serve economically disadvantaged students. Without these programs, many of these students would not have the opportunity to attend college. It is the responsibility of the federal government to provide such programs at a time when the federal focus is on education and on strategies to promote education and include all children in the secondary and postsecondary educational system.

Federal Financial Aid

Since 1965, the United States has invested in student aid to give students who could not afford to attend college the financial resources to enroll and pursue degrees. Title IV of the Higher Education Act of 1965, as amended, established federal financial aid programs for students attending postsecondary institutions.[43] The majority of the federal financial assistance programs fall into three categories: grants, loans, and tax incentives. This section describes types of federal financial aid and assesses whether such programs are meeting the needs of the students they were developed to assist. Financial student aid is an approximated $12 billion investment that assists more than 8 million students (see table 5.4).[44]

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[42] However, the report only gives the percentage and not the numbers, and acknowledges that interpreting the data is difficult because those included in the percentages were not enrolled in a degree program. The percentage of the McNair participants reported is not the same or comparable to the percentage who actually completed a degree. DOEd, "A Profile of the Robert E. McNair Program," pp. xii, 21–22.

[43] Frank B. Morgan, "Fall Enrollment in Title IV Degree-Granting Postsecondary Institutions: 1998," *Education Statistics Quarterly*, National Center for Education Statistics, n.d., <http://www.nces.ed.gov/pubs2002/quarterly/spring/q4-1.asp>.

[44] U.S. Department of Education, Budget Office, "Overview," n.d., <http://www.ed.gov/offices/OUS/budget.html>.

Table 5.4
Federal Student Financial Assistance Appropriations, Fiscal Years 1998–2003

	Millions of Dollars					
	1998	1999	2000	2001	2002	2003*
Pell grants	$6,678	$6,044	$10,730	$8,756	$10,314	$10,863
Supplemental Educational Opportunity grants	$621	$619	$636	$691	$725	$725
Work-study programs	$838	$876	$944	$1,011	$1,011	$1,011
Perkins loans	$136	$102	$104	$100	$100	$100

* President's Request.
Source: White House, Office of Management and Budget, *Budget of the United States Government, Fiscal Years 2000–02*, Appendix; U.S. Department of Education, *Fiscal Year 2003 President's Budget*, <www.ed.gov/offices/OUS/Budget03/Summary/App2/osfap1.html>.

Funding for financial aid has increased at the rate of inflation but has not been increasing at the rate of tuition, thus the purchasing power of financial assistance programs has been reduced dramatically. Proposed budget funding for fiscal year 2003 for Pell grants is only $133 million more than fiscal year 2000 appropriations. Funding for some of the programs has not been increased in more than two years. Programs that show slight budget increases are growing only at the rate of inflation, not necessarily tuition costs (see table 5.4). Tuition at many institutions has risen at double the rate of inflation, and greatly increased the need for financial assistance at universities. The lack of funding for financial assistance affects a large percentage of minority and low-income students whose families earn less than $25,000 per year (see table 5.5). Institutions are increasingly unable to support the unmet needs of minority and low-income students resulting from the lack of funding in financial aid programs.[45]

Any student can apply for financial aid by completing the standard federal application for financial aid, "Free Application for Federal Student Aid" (FAFSA). After submitting the FAFSA form, applicants receive a Student Aid report that contains the expected family contribution toward college cost. The schools that accept the student create the financial aid award package, which states the amount of grants, scholarships, or loans available to the student.[46]

Criteria for Receiving Federal Financial Aid

Students who receive federal financial aid must meet the following eligibility requirements:

- Demonstrated financial need for the majority of the academic programs offered.
- High school diploma or General Education Development certificate.
- Enrollment or acceptance as a regular student working toward a degree or certificate in an eligible program.
- U.S. citizenship or noncitizen eligibility.
- Valid social security number.
- Demonstrated academic progress.

[45] Gail Russell Chaddock, "More Ready for College, Fewer Able to Pay," *Christian Science Monitor*, June 27, 2002, p. 2.

[46] MSN.com, "Financial Aid 101," n.d., <http://www.encarta.msn.com/collegeArticles/FinancialAid101.asp>.

Table 5.5
Percentage of Families With Incomes Less than $75,000 by Race and Hispanic Origin

	Low-income (under $24,999)	Middle-income ($25,000–$74,999)
White	20.2	50.6
Black	39.7	44.7
Asian and Pacific Islander	20.4	42.4
Hispanic Origin	38.6	48.5

Source: U.S. Census Bureau, *Statistical Abstract of the United States: 2001*, table 668, "Income Expenditures, and Wealth."

Students demonstrate a need for federal financial aid based on family income. According to the 2000 Census, a higher proportion of black families, 84.4 percent, and Hispanic families, 87.1 percent, are in the low- and middle-income bracket compared with white families, 70.8 percent, and Asian Pacific American families, 62.8 percent. The middle-income bracket shows moderate differences between racial and ethnic groups, while the low-income bracket shows more pronounced differences (see table 5.5). Financial aid programs geared toward low- and middle-income families allow students to attend institutions participating in Title IV programs and thus the funding of such programs have a major financial impact on disadvantaged minority students.

Approximately 14.9 million students in 1998 were enrolled at institutions that participate in Title IV financial aid programs. Of those students, an estimated 98.3 percent attended degree-granting institutions. About 70.2 percent of the students were white, 10.9 percent black, 8.7 percent Hispanic, 6.2 percent Asian Pacific Islander, 1 percent American Indian, and 3.1 percent nonresident alien (see table 5.6).

Table 5.6
Total Enrollment in Title IV Degree-Granting Postsecondary Institutions, by Race/Ethnicity, Fall 1998

	Number	Percent
White, non-Hispanic	10,195,494	70.2
Black, non-Hispanic	1,584,902	10.9
Hispanic	1,259,586	8.7
Asian Pacific Islander	901,896	6.2
American Indian	144,554	1.0
Nonresident Alien	443,604	3.1

Source: U.S. Department of Education, National Center for Education Statistics, *Education Statistics Quarterly*, table A, "Fall Enrollment in Title IV Degree-Granting Postsecondary Institutions: 1998," <http://nces.ed.gov/pubs2002/quarterly/spring/q4-1.asp>.

Types of Federal Financial Aid

Federal financial aid is distributed in a number of ways, through loans, grants, scholarships, and institution-sponsored funding or campus-based programs (see table 5.7). Many types of financial aid are awarded based solely on students' financial need, while others may be based on other criteria such as academic merit. Scholarships are often given to students who have demonstrated or shown potential for excellence in a certain area or discipline, irrespective of financial need. Grants based on financial need are awarded from federal and state governments, institutions, or

private organizations. The most common federal grant is the Pell grant. The following section describes some of the main federal financial aid programs.

Table 5.7
Primary Types of Federal Financial Aid

Categories	Types
Grants	Pell grants Scholarships
Campus-based programs and/ or school-sponsored funding	Federal Supplemental Educational Opportunity grants Federal work-study Federal Perkins loans
Loans	Stafford loans (unsubsidized and subsidized) Federal PLUS loans

Source: MSN.com, "Financial Aid 101," <http://encarta.msn.com/collegeArticles/FinancialAid101.asp>.

Federal Pell Grants

In 1972, the Basic Educational Grant created Pell grants as a way to make higher education available to all students.[47] They are awarded only to undergraduate students who have not previously earned a bachelor's or professional degree. Students are eligible to receive one Pell grant award per year.[48] Other forms of financial aid may be used in conjunction with the Pell grant.[49] The U.S. Department of Education uses a standard formula to determine eligibility and "expected family contribution" (EFC) to cover the additional expenses not met by the grant. In general, the Pell grant provides awards between $400 and $3,000 for low-income students, most of whom are from families with annual incomes less than $20,000. In fiscal year 1998, the program was funded at $6.7 billion, with $1,876 being the average amount awarded.[50] In fiscal year 2001, an estimated 4.3 million students were recipients of Pell grants, with an estimated average award of $2,299.[51] For fiscal year 2003, the Bush administration is requesting $10.9 billon, with awards ranging between $400 and $4,000 per student (see table 5.4). The fiscal year 2003 request should provide 4.5 million students with Pell grants, an increase of 55,000 students from fiscal year 2002.[52]

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[47] Wilson, "Financial Aid Needs to Match Rising Tuition."

[48] U.S. Department of Education, "Student Guide Financial Aid, Federal Pell Grants 1998–1999," n.d., <http://www.ed.gov/prog_info/SFA/StudentGuide/1998–9/fws.html> (hereafter cited as DOEd, "Student Guide Financial Aid, 1998–99").

[49] DOEd, "Student Guide Financial Aid, 1998–99 Federal Pell Grants."

[50] Educational Resources Information Center (ERIC), "Straight Talk About College Costs and Prices," n.d., <http://www.eriche.org/government/price.html> (hereafter cited as ERIC, "Straight Talk About College Costs").

[51] White House, Office of Management and Budget, *Budget of United States Government, Fiscal Year 2003, Appendix*, p. 364 (hereafter cited as OMB, *U.S. Budget, Fiscal Year 2003, Appendix*).

[52] House Education and the Workforce Committee, "Existing Programs Seek to Expand Access to Higher Education for All Students," fact sheet, July 15, 2002 (hereafter cited as House Education and the Workforce Committee, "Existing Programs"); OMB, *U.S. Budget, Fiscal Year 2003, Appendix*, p. 363.

Campus-Based Programs

Campus-based programs, such as the Federal Supplemental Educational Opportunity Grants (FSEOG), Federal Work-Study (FWS), and Federal Perkins loan programs, are administered by educational institutions. Not all institutions that participate in campus-based programs offer all three programs. Colleges that do participate receive an annual allotment from the federal government for each of the programs in which the school participates. Campus-based programs provide aid administrators with flexibility in packaging financial aid awards to meet student needs.[53]

Federal Supplemental Educational Opportunity Grants (FSEOG)

The FSEOG is designed for undergraduates with exceptional financial need and gives priority to students who receive Pell grants. FSEOG is dependent on the availability of campus-based funding.[54] In fiscal year 1998, the program was funded at $621 million, and for fiscal year 2003, the President is requesting $725 million (see table 5.4).[55] This level of funding would provide approximately 1.2 million students aid, with an average $748 award to students.[56] During the 2002–03 school year, FSEOG awards range from $100 to $4,000 per student based on need.

Federal Work-Study (FWS)

The FWS program began in 1965. It provides jobs for undergraduate and graduate students who have financial need, allows students to earn money for educational expenses, and supplements their discretionary income.[57] The program encourages work related to community service and to the student's course of study. Students earn at least the federal minimum wage, depending on the type of work and the skills required. The amount of work-study awarded depends on when applications are received, level of need, and the funding capacity of the school.[58] The FWS funds are awarded by a formula to qualifying institutions, which develop and provide part-time jobs for eligible undergraduate and graduate students. In fiscal year 2000, the federal government provided more than $900 million through the FWS program to assist 1 million postsecondary students.[59] The Bush administration proposes $1 billion in funding for 2003, the same as the 2002 appropriation, which will provide aid to nearly 1 million students (see table 5.4).[60]

Perkins Loans

Perkins loans are low-interest loans available to undergraduate and graduate students who have exceptional financial need.[61] Students receive the loan from the institution. The loan is made

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[53] OMB, *U.S. Budget, Fiscal Year 2003, Appendix*, pp. 363–64.

[54] DOEd, "Student Guide Financial Aid, 1998–99," Campus Based Programs. Students who receive federal Pell grants are not guaranteed a federal Supplemental Educational Opportunity grant.

[55] ERIC, "Straight Talk About College Costs"; House Education and the Workforce Committee, "Existing Programs."

[56] OMB, *U.S. Budget, Fiscal Year 2003, Appendix*, pp. 363–64.

[57] Citibank, Studentloan.com, "Financial Aid Options," n.d., <http://studentloan.citibank.com/slcsite/finan/f_option.htm > (hereafter cited as Citibank, "Financial Aid Options").

[58] DOEd, "Student Guide Financial Aid, 1998–99," Federal Work-Study; Citibank, "Financial Aid Options."

[59] U.S. Department of Education, "The National Study of the Operation of the Federal Work-Study Program," Analysis and Highlights, pp. 1–3, n.d., <http://www.ed.gov/offices/OUS/PES/finaid/fws_ah.html>.

[60] OMB, *U.S. Budget, Fiscal Year 2003, Appendix*, p. 364.

[61] Citibank, "Financial Aid Options."

available through a combination of government funds, school contributions, and student repayments on outstanding loans. The amount a student can borrow depends on several factors, such as when they apply, need, and funding level of the school. Undergraduates may receive up to $3,000 annually; the total amount of the loan may not exceed $15,000. Graduate students may borrow $5,000 annually, with a maximum of $30,000 total amount borrowed. This amount includes any monies owed on federal Perkins loans from undergraduate education. For fiscal year 2003, the administration proposes $100 million in new budget authority, the same as the 2002 level. The funding would provide aid to approximately 715,000 needy undergraduate and graduate students in the 2003–2004 award year.[62]

Loans

Federal Stafford Loans

Federal Stafford loans are not part of the campus-based programs. Instead, the federal government regulates them.[63] There are two types of Stafford loans available to students, "subsidized" and "unsubsidized." Both are long-term, low-interest loans designed to provide students with funds for higher education purposes. Subsidized federal Stafford loans are those for which the interest is paid by the government while a student is in school, and during periods of grace and deferment. An unsubsidized federal Stafford loan is non-need based and designed to provide undergraduate and graduate students with additional funds for higher education.[64]

Federal PLUS Loans

The remaining cost of education, after federal student financial assistance, may be covered by a federal student loan, Parent Loan for Undergraduate Students (PLUS), which is made to the parent(s) of the student. The PLUS loan is a low-interest loan that allows parents to borrow up to the full cost of tuition, less other financial aid received.[65] This loan has a variable interest rate capped at 9 percent and may only be borrowed by a U.S. citizen or eligible noncitizen who is a natural or legally recognized parent of the student. Repayment starts 45 days after disbursement to the school and terms may extend for up to 10 years. Parents are held accountable for this loan even if a student agrees but fails to make payments.[66]

Assessment of Financial Assistance

Americans generally view higher education as a necessity for successful careers. Research shows that black and Hispanic parents stress the importance of higher education to their children more than white parents.[67] However, parents of all economic levels think that inflated tuition costs threaten to make higher education inaccessible.[68] Many families are still unable to afford college tuition, even after receiving aid.[69] In assessing financial assistance it is important to evaluate ex-

[62] OMB, *U.S. Budget, Fiscal Year 2003, Appendix*, pp. 363–64.

[63] Citibank, "Financial Aid Options."

[64] Citibank, Studentloan.com, "Loan Products," <http://www.studentloan.com/htm>.

[65] PR Newswire, "Attention Parents: PLUS Loans Offer a Solution to Meeting the Cost of College," July 9, 2002.

[66] StudentLoan.net, "PLUS Loan Information," n.d., <http://www.studentloan.net/loaninfo/plusloan.html>.

[67] John Immarwahr, "The Affordability of Higher Education: A Review of Recent Survey Research," *National Center for Public Policy and Higher Education*, May 2002, p. 3.

[68] Immarwahr, "The Affordability of Higher Education," p. 5.

pected family contributions, unmet needs, and merit-based programs for how they affect disadvantage students.

Expected Family Contribution

In 1992, the reauthorization of the Higher Education Act made a number of changes in the need-analysis formulas used in awarding Title VI financial aid.[70] The changes in the need-analysis rules affected the majority of student aid applicants with more students losing than gaining eligibility. In both the 1992–93 and 1993–94 school years, expected family contribution (EFC) changed. Forty percent of the students faced higher EFCs, while 32 percent of students had lower EFCs. During the same time period, independent students were the most adversely affected by the change. More than half of the applicants had an increase in EFC caused by the rule change. The average EFC increase was $1,300.[71]

The combination of the lower purchasing power of financial aid and increase in EFC makes it extremely difficult for students from lower-income families to attend college. As a result, students and families work longer hours, incur more debt, and devote larger portions of their incomes to cover the higher EFCs and college costs. Fearing high debt, many minorities and low-income families are thought to be hesitant to take out loans to meet the EFC. Often families of minorities and low-income students are unable to assist in loan repayment, thereby making it more difficult for students to afford college.[72]

Over the past decade, state spending on merit and other non-need programs soared by 206 percent while need-based spending rose 41 percent during the same period.[73] Consequently, more low- and middle-income families are now relying on student loans to cover the unmet needs of education expenses. In fall 2001, a record $74 billion in financial aid was available to students. Unfortunately, loans accounted for 58 percent of that amount. Comparatively, in the 1980s, loans accounted for only 41 percent of student financial aid packages.[74]

Unmet Needs of Financial Aid

While the amount of funding allocated for Pell grants has kept up with inflation, it has not been nearly enough to keep up with the cost of college tuition.[75] The cost of tuition at public universities and colleges increased by 107 percent between 1980 and 2000.[76] Tuition costs at postsec-

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[69] PR Newswire, "Attention Parents."

[70] U.S. Department of Education, "The Effects of the 1992 Higher Education Amendments: Evidence From Pell Grant Program Data and a Survey of Pell Grant Recipients (1997)," Introduction, Sept. 21, 1998, <http://www.ed.gov/offices/OUS/PES/finaid/pell.html>, pp. 1–3 (hereafter cited as DOEd, "The Effects of the 1992 Higher Education Amendments").

[71] DOEd, "The Effects of the 1992 Higher Education Amendments," Introduction, pp. 1–3.

[72] The National Center for Public Policy and Higher Education, *Losing Ground: A National Status Report on the Affordability of American Higher Education*, 2002, p. 7.

[73] Michael Fletcher, "College Aid's Middle-Class Shift; Critics Say States' Scholarship Programs Shortchange Poor and Minorities," *Washington Post*, June 4, 2002, p. A3.

[74] Ibid.

[75] Tracey Wong Briggs, "Do the Math: High Cost Locks Kids Out of College," *USA Today*, June 27, 2002, p. 11D.

[76] National Center for Public Policy and Higher Education, *Losing Ground*, p. 9.

ondary institutions is the only sector of the economy increasing at twice the rate of inflation.[77] As a result, the purchasing power of financial aid has decreased over the years. The following captures some examples of unmet needs:

- In 1975, the maximum Pell grant covered 84 percent of the cost of going to a public four-year institution.[78] In 1985, the maximum Pell grant of $2,100 covered 57 percent of the tuition costs; by 2001, the maximum Pell grant of $3,300 covered only 39 percent of tuition costs.[79]
- In 1980, it took 13 percent of the income of a low-income family to put a student through a four-year college; but in 2000, the amount increased to 25 percent.[80] In 2000, financially independent students earning less than $20,000 a year had an average debt of $18,400, a 150 percent increase from 1993; dependent students from families earning less than $30,000 had a median debt of $14,200, double the amount from 1993.[81] A qualified student from a family earning less than $25,000 annually still has an unmet need of $3,800 each year after taking into account loans, grants, and work-study employment.[82]
- From 1989 to 1999, average cumulative debt by seniors at public colleges and universities increased for all income groups. As a result, low-income students' debt grew from $7,629 to $12,888.[83]
- In 1981, 91 percent of student financial assistance was allocated based entirely or partially on need; but by 1999, only 78 percent considered need as a factor.[84]
- In 1981, grants constituted 52 percent of federal financial aid with loans constituting 45 percent, while in 2000 grants made up 41 percent and loans 58 percent.[85]

Loans are increasingly becoming the primary source of financial aid, thereby making it more difficult for low-income students to attend college. Further, loans are a high-risk investment because of the uncertainty of graduation and subsequent employment in high-paying jobs.[86] Unfortunately, over the next 10 years, 4.4 million qualified students will not be able to afford a four-year college, and 2 million will not be able to afford any college.[87]

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[77] Bill Maxwell, "Let's Do More to Help the Poor Get a College Education," *St. Petersburg Times*, June 30, 2002, p. 1D.

[78] James M. O'Neill, "Bush Plan Could Hurt Students Who Hold Loans; The Administration Proposal Would Close a Budget Gap by Ending a Chance to Refinance at Lower Rates," *Philadelphia Inquirer*, May 1, 2002, p. B2.

[79] Briggs, "Do the Math," p. 11D; O'Neill, "Bush Plan Could Hurt Students Who Hold Loans," p. B2.

[80] "The New Luxury Item: College," *Chicago Tribune*, June 22, 2002, p. 20.

[81] James M. O'Neill, "With Less Aid, College Dreams Slip Away," *Philadelphia Inquirer*, June 9, 2002, p. A1.

[82] Advisory Committee on Student Financial Assistance, *Empty Promises*, June 2002, p. v.

[83] National Center for Public Policy and Higher Education, *Losing Ground*, p. 7.

[84] "The New Luxury Item: College," p. 20.

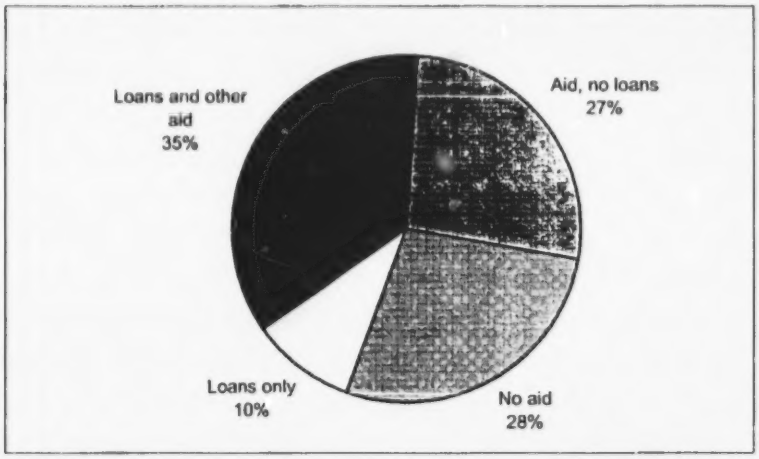
[85] Samuel Autman, "Higher Costs Seen for Higher Education; Tuition Hikes at Local Private Schools Continue 5-Year Spiral," *San Diego Union-Tribune*, May 28, 2002, p. A1.

[86] U.S. Congressional, Senate, Committee on Health, Education, Labor, and Pensions; Committee on Appropriations, and Committee on Education and Workforce, *Slamming Shut the Doors to College*, 2002.

[87] Advisory Committee on Student Financial Assistance, *Empty Promises*, p. v.

During the 1999–2000 academic year, approximately 16.5 million undergraduates enrolled in postsecondary institutions for all or part of the year. Thirty-nine percent of undergraduates enrolled at a four-year institution full time, with an estimated 72 percent receiving aid of some type. Students who received loans only accounted for 10 percent; 36 percent of undergraduates had loans and other forms of financial aid, and 27 percent had financial aid that included grants, work-study, or other aid, without loans (see figure 5.1). Only 28 percent of the student population covered tuition expenses without any financial aid or loans.[88]

Figure 5.1
Percentage Distribution of Full-Time, Full-Year Undergraduates According to Aid Package

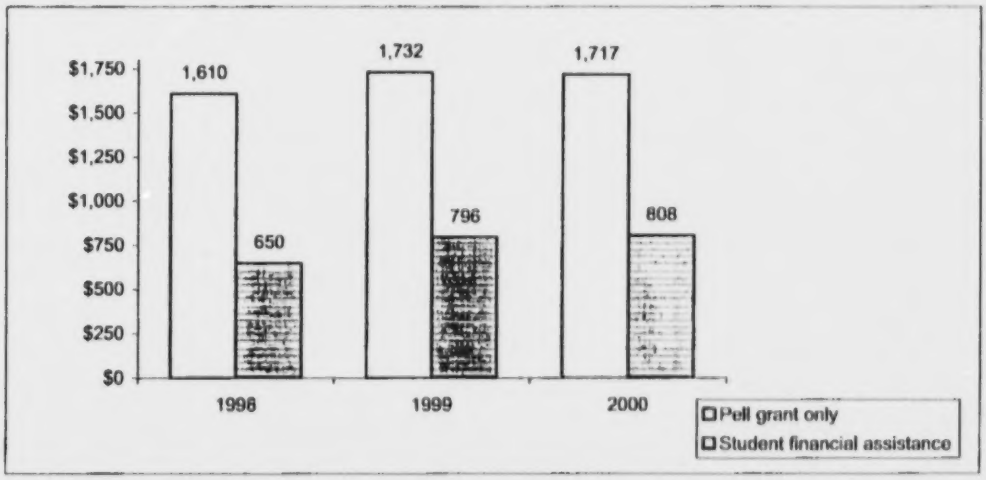


Source: U.S. Department of Education, National Center for Education Statistics, *Student Financing of Undergraduate Education: 1999–2000*, p. iv.

Students who attend private four-year colleges are much more likely than those who attend public four-year colleges to have higher expected family contributions or unmet needs (see figures 5.2 and 5.3). Low- and middle-income students whose financial aid consisted of federal Pell grants only had higher unmet needs than students who received a combination of financial aid. For example, in 1998 students receiving Pell grants only had an unmet need of $1,610, while the unmet need for students receiving a combination of financial aid was only $650 (see figure 5.2). Between 1998 and 1999, the unmet need of students receiving Pell grants only and a combination of financial aid increased by 8 and 22 percent, respectively. By 2000, students receiving Pell grants only had an unmet need of $1,717, which was nearly a 1 percent decrease from the 1999 level.

[88] U.S. Department of Education, National Center for Education Statistics, Office of Educational Research and Improvement, "Student Financing of Undergraduate Education: 1999–2000," p. iv.

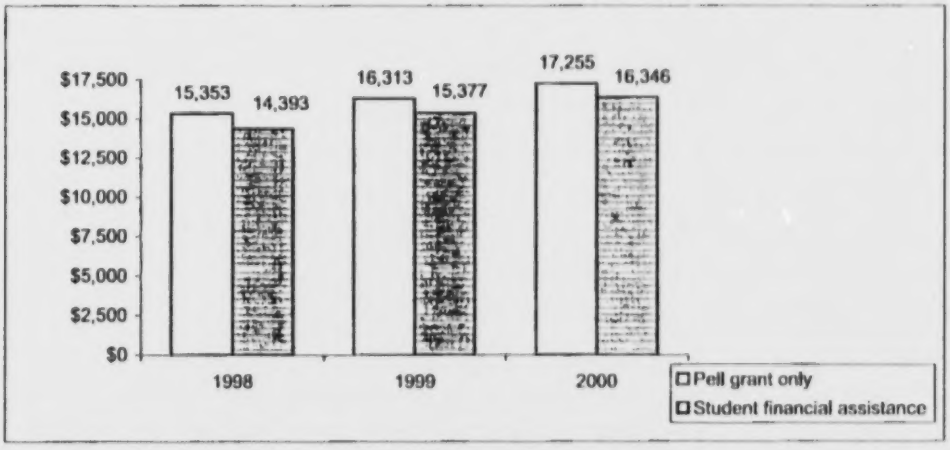
Figure 5.2
Unmet Needs Based on the Difference Between the Cost of Four-Year Public College Tuition and Financial Aid, 1998–2000



* Student financial assistance includes average awards for Federal Pell grants, Supplemental Educational Opportunity grants, Work-Study, Perkins loans, Direct loans, and Family Educational loans.
Source: U.S. Census Bureau, *Statistical Abstract of the United States: 2001*, Education, tables 276, 278.

Students attending private four-year colleges had unmet needs as much as 20 times greater than that of students attending public colleges. For students attending four-year colleges, the difference in unmet needs between those receiving Pell grants only and those receiving a combination of financial aid was roughly $1,000 (see figure 5.3). For example, in 2000, students receiving Pell grants only had an unmet need of $17,255 while students receiving a combination of student financial assistance had a slightly lower unmet need of $16,346. Regardless of the type of financial aid students received, between 1998 and 2000, unmet needs increased an average of 6 percent per year for students attending private four-year colleges. Tuition costs have continued to increase, but financial aid has increased at a slower rate than tuition costs, rendering it more difficult for students in low- and middle-income families than those from affluent families to attend colleges without loans or experiencing a heavy financial burden.

Figure 5.3
Unmet Needs Based on the Difference Between the Cost of Private Four-Year College Tuition and Financial Aid, 1998–2000



* Student financial assistance includes average awards for Federal Pell grants, Supplemental Educational Opportunity grants, Work-study, Perkins loans, Direct loans, and Family Educational loans.
Source: U.S. Census Bureau, *Statistical Abstract of the United States: 2001*, Education, tables 276, 278.

Merit-Based Scholarships

Federal financial aid exists to make it easier for disadvantaged students to attend college, but nearly two-thirds of all scholarship and grant dollars comes from states and institutions, and more of that money is being channeled to affluent students.[89] A growing number of states are seeking to attract top students to public universities and have launched programs that reward high-performing high school students scholarships regardless of financial need.[90] Thus, need-based student financial aid has lost ground not only to tuition increases but also to programs for students who do not have financial need.[91]

Merit scholarship programs raise serious concerns because "[i]n any academic ranking, the affluent tend to cluster near the top and the poor kids cluster at the bottom."[92] Furthermore, large sums of public money are being used to subsidize the education of students who may already be college bound and able to afford college costs. Defenders of scholarship programs note that college costs are also burdensome for middle-class families. Moreover, these programs provide tangible rewards to students who work hard in school, thereby fueling aspirations to succeed.[93]

Some states that have merit-based scholarship programs have noticed changes in the number of minorities attending state universities after these programs were implemented. For instance, in

[89] House Education and the Workforce Committee, "Existing Programs"; Stuart Silverstein, "Scholarships for Achievement, Not Need, Increase Rapidly," *Los Angeles Times*, June 17, 2002, p. A1.

[90] Fletcher, "College Aid's Middle-Class Shift," p. A3.

[91] National Center for Public Policy and Higher Education, *Losing Ground*, p. 6.

[92] Fletcher, "College Aid's Middle-Class Shift," p. A3.

[93] Ibid.

1993 Georgia became the first state to institute a merit-based scholarship program, the Helping Outstanding Pupils Educationally (HOPE) program, awarding financial aid based on academic performance instead of financial need. During 2000–01, HOPE awarded approximately $300 million in scholarships. A study by Harvard University's Civil Rights Project found student enrollment from families with a median income higher than $50,000 annually increased, whereas enrollment of students from low-income families remained constant. The study also found that during 1993–97 white student attendance at Georgia's colleges and universities increased 12.4 percent faster than black student enrollment rates, which remained virtually unchanged. For example, at the University of Georgia, before the HOPE scholarship program, blacks accounted for 6 percent of the student population, but after the program was implemented they accounted for 5.7 percent.[94]

In Michigan, in 1999, only 7 percent of black high school graduates qualified for the state scholarship, compared with 20 percent of Hispanics, 19 percent of Native Americans, and 34 percent of whites. As a result, the American Civil Liberties Union filed suit challenging the program.[95] The lawsuit contends that Michigan's standardized exam was designed to measure school performance not the academic fitness of the students.[96] Civil rights advocates argue that by relying on an inappropriate test to award state scholarships, Michigan discriminated against students based on race, ethnicity, and educational disadvantages.[97] They have requested that Michigan revise the selection criteria, thus allowing for a fair evaluation of grade point average and other measurements of achievement.[98]

Defenders of the Michigan Merit Award program state there is money available for low-income students, although less of it for students who are not academic achievers. In addition, college administrators state that merit programs enhance an institution's ability to recruit academically strong students, which adds to campus intellectual vitality. However, administrators believe the primary barrier for low-income and minority students is weak academic preparation in high school.[99]

Finally, in Florida the Bright Futures Scholarship Program was started in 1997. The program pays full and partial college tuition for students based on a combination of high school grades, and ACT or SAT scores. In 1998, whites made up 61 percent of the student population but 77 percent received financial awards. Conversely, blacks made up 28 percent of the student popula-

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[94] Ibid.

[95] American Civil Liberties Union, "Civil Rights Coalition Sues Over Race Discrimination in Michigan Merit Scholarship Program," June 27, 2000, <http://www.aclu.org/news/2000/n062700a.html> (hereafter cited as ACLU, "Michigan Merit Scholarship Program").

[96] The Civil Rights Project, Harvard University, "Civil Rights Alert, The Struggle to Keep College Doors Open," n.d., <http://law.harvard.edu/civilrights/alerts/access.html>.

[97] Fletcher, "College Aid's Middle-Class Shift," p. A3. When universities define merit in terms of test scores by creating a cut-off test score it has a serious racial impact. The reliance on standardized tests in the admissions process hurts minority and low-income students, who traditionally do not perform as well. White and Asian Pacific American students typically outperform Hispanics and blacks, and students in wealthy, suburban districts consistently earn higher scores, thus claiming the bulk of the scholarship money. Ibid.

[98] ACLU, "Michigan Merit Scholarship Program."

[99] Stuart Silverstein, "Scholarships for Achievement," p. A1.

tion but only 8 percent received financial awards.[100] The disproportionate amount of merit-based aid distributed to white students has raised civil rights concerns, and civil rights activists are contemplating filing a complaint with the Department of Education. One major problem with Florida's program is that many minorities and low-income students attend substandard K–12 public schools that do not offer the courses required by the state university system.[101]

State Budgetary Crises and Implications for Minority Affordability and Enrollment

State budget crises and the steps taken by colleges to compensate for revenue loss further complicate college access and affordability. In 2000, the nation's economy began to soften after the decline of many Internet-based companies. The following year, financial repercussions from terrorist attacks on the nation brought about the worst fiscal crisis in recent memory. By the end of 2001, most financial analysts agreed that the country was in an economic recession. By fiscal year 2002, the gap between income and expenditure in the 50 states grew to at least $36 billion and was predicted to be $58 billion in 2003. To balance their budgets, states looked to discretionary items to make cuts, and for most higher education is an unrestricted item. The result was severe cutbacks of state higher education appropriations across the country.[102] According to William T. Pound, executive director of the National Conference of Legislators, "higher education tends to be used to balance the wheel in bad times."[103] Thus higher education is a popular target for lawmakers looking to reduce budget deficits in fiscal years 2002 and 2003.[104]

Two other consequences of the recession also had dramatic effects on higher education: (1) declining interest rates drastically reduced returns on college endowments; and (2) private giving declined.[105] The National Association of Colleges and University Business Officers reported that institutions lost, on average, 3.6 percent on their investments for fiscal year 2001. The final analysis for 2002 is expected to show even greater losses.[106]

State appropriations, tuition and fees, and endowments—particularly at private institutions—are among the most common sources of revenue for colleges and universities.[107] State cutbacks

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[100] MSNBC News, "Gaps Reported in Merit Scholarships," Aug. 28, 2002, <http://msnbc.com/news/799697.asp>.

[101] Fletcher, "College Aid's Middle Class Shift," p. A3.

[102] William Trombley, "Tuition Is Rising as States Face Budget Difficulties," *Measuring Up 2002: The State-by-State Report Card for Higher Education*, 2002, <http://measuringup.highereducation.org/2002/article/billtrombley.htm>; Association of American State Colleges and Universities, "State Lawmakers Grapple with Finances, Federalism, and Civic Involvement at Annual Meetings," *AASCU EdLines*, July 26, 2002, <http://www.aascu.org/edlines/02.07/02_29htm>; Association of American State Colleges and Universities "Legislatures Reconvening to Deal With Emerging Fiscal Crisis," *AASCU EdLines*, Oct. 12, 2002, <http://www.aascu.org/edlines/01.10_40ed.htm>; David W. Breneman, "For Colleges, This Is Not Just Another Recession," *Chronicle Review*, June 14, 2002, p. B7.

[103] Jeffrey Selingo, "States With the Biggest Deficits Take Aim at Higher Education," *Chronicle of Higher Education*, Apr. 19, 2002, p. A24.

[104] Association of American State Colleges and Universities, "State Lawmakers Grapple With Finances."

[105] Michael A. Fletcher, "College Tuitions Jump As States Trim Budgets," *Washington Post*, Oct. 22, 2001, p. A1. *See also* American Council on Education, "Facts in Brief: Economic Downturn Causes Decline in Institutional Endowments, New Data Shows," *Higher Education and National Affairs*, Jan. 28, 2002, <http://www.acenet.edu/hena/facts_in_brief/2002/01_28_02.cfm>.

[106] Kate Zernike, "Boom's End Is Felt Even at Wealthy Colleges," *New York Times*, Nov. 5, 2002, pp. A1, A25.

[107] Educational Testing Center, "Finance," n.d., <http://www.ecs.org/html/issue.asp?issueid=48&SubissueID=49>.

forced institutions to compensate for revenue loss in various ways, including (1) increasing tuition and mandatory fees; (2) charging differential tuition (tiered tuition); (3) imposing new mandatory fees; (4) tightening residency requirements; and (5) raising admission and financial aid requirements. These actions further diminish access for all qualified students, in particular the economically disadvantaged and minority students, in light of the (1) lower purchasing power of financial aid; (2) increase in expected family contribution; (3) unmet financial needs; (4) growing dependence on loans as a primary source of educational support; and (5) emphasis on merit scholarships over need-based financial aid.[108] The fiscal downturn thus has also negatively affected families with college-bound dependents and/or dependents in college and financially independent individuals attending college who have suffered declining incomes, investment loss, and sudden layoffs, all of which have affected college access and affordability.

- *Increase Tuition.* Several governors have proposed increasing tuition at public colleges to redress budget shortfalls.[109] Christine Lapaille of the National Governors Association pointed out that in higher education, tuition increase is a common way to manage budget cutbacks. A 2002 College Board survey reveals that tuition and fees at public colleges increased 9.6 percent for the current year, the largest in the last 10 years, and 5.8 percent at private institutions. Tuition increased 7.9 percent at public two-year colleges and 7.5 percent at private ones.[110] With tuition already high, colleges' attempts to make up revenue loss through steeper hikes impede affordability even more.
- *Charge Tiered Tuition.* Under tiered tuition, new students are charged a higher rate of tuition increase than returning students. Model institutions that have taken this step include Ohio State, Purdue, and Texas A&M Universities. Tiered tuition also applies to in- and out-of-state tuition differentials. The University of California, for instance, raised out-of-state tuition by 10 percent, compared with an average increase of 4 percent in recent years for out-of-state students.[111]
- *Impose New or Increase Mandatory Fees.* Public colleges in some states have added new fees or increased existing ones. Oregon's public universities, for example, have levied energy surcharges to defray the cost of utilities such as electricity and natural gas.[112] Students enrolling at Texas A&M for the first time have to pay an academic enhancement fee to support student services, such as advising.[113] Indiana's public colleges planned to raise student technology fees to support computer hardware, software, and equipment programs. Mike Baumgartner of the Indiana Commission for Higher Education predicted

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[108] David W. Breneman, "For Colleges, This Is Not Just Another Recession," *Chronicle Review*, June 14, 2002, p. B7.

[109] American Council on Educations, "Facts in Brief: Forty States Report Budget Shortfalls for 2002 Fiscal Year, *Higher Education and National Affairs*, Apr. 1, 2002, <http://www.acenet.edu/hena/fact_in_brief/2002/04_01fib.cfm>.

[110] Fletcher, "College Tuitions Jump," p. A35.

[111] Sara Hebel, "Skyrocketing Public-College Tuition Renews Calls for Better Policies," *Chronicle of Higher Education*," Oct. 25, 2002, <http://chronicle.com/weekly/v49/i09/09a02001.htm>.

[112] Peter Schmidt, "Students in Some States Face Extra Charges to Cover Energy Costs," *Chronicle of Higher Education*," Oct. 19, 2001, <http://chronicle.com/weekly/v48/i08/08a02201.htm>. The levying of energy surges has not gone unchallenged; the University of Washington's Board of Regents, for example, is being sued in the state court.

[113] The "enhancement fee" in fact consists of two existing fees and two new fees. Bob Piwonka, director for information services, Texas A&M University, telephone interview, Dec. 10, 2002.

that every institution that has a technology fee would increase it and those that do not would implement one.[114] Oregon State Senator Lenn L. Hannon, commented, "We are nickel-and-diming students out of access to higher education."[115]

- *Tighten Residency Requirements.* Some institutions are tightening residency requirements to make it harder for out-of-state students to acquire resident status and thus pay in-state tuition. For example, the University of Washington wants the Washington Higher Education Coordinating Board to tighten residency requirements and to "alter how it interprets a law that broadly spells out how a student may be eligible to pay in-state rates."[116]
- *Raise Admission and Financial Aid Requirements.* During periods of economic downturn, college enrollment tends to increase as adults return to college to upgrade skills or acquire new ones. In addition, the number of traditional-aged college students is growing, particularly in the South and West. Students from low-income families and those who are the first to attend college account for much of the growth. Enrollment surges during fiscal crises impose additional pressure on the human, physical, and technological capabilities of colleges. To curtail enrollment, some institutions have raised admissions standards for first-time freshmen. The University of Oregon, for instance, has raised the grade-point-average requirement for new freshmen from 3.0 to 3.25, with grades having to be earned in a "specific set of pre-college courses." Other institutions, such as the University of Northern Iowa, have made financial aid criteria stricter in order to cap enrollment. Both types of actions hurt college access for economically disadvantaged and minority students.[117]

Finally, 18 states offer prepaid college-tuition plans that allow parents to pay for future college education for their dependents at roughly current day tuition rates. The plans let parents invest in stocks and bonds with the expectation that the return to investment would rise faster than tuition. However, the economic downturn and steep rates of tuition increase have made this unlikely in the immediate future and several states have raised prices. For example, the Ohio Tuition Trust Authority has increased rates three times in the past year.[118] Virginia's plan will soon increase 25 percent, while some Maryland plan subscribers will pay a 30.5 percent jump.[119]

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[114] Dan Carnevale, "Indiana Institutions Use Student Technology Fees to Compensate for Budget Cuts," *Chronicle of Higher Education*," Apr. 12, 2002, <http://chronicle.com/daily/2002/04/200204120It.htm>; Trombley, "Tuition Is Rising as States Face Budget Difficulties." Interestingly, Texas' attorney general recently ruled against the University of Texas at Austin's proposal to impose an infrastructure fee to maintain campus buildings. Santa Garza, assistant director for information services, University of Texas at Austin, telephone interview, Dec. 9, 2002.

[115] Schmidt, "Students in Some States Face Extra Charges."

[116] Hebel, "Skyrocketing Public-College Tuition Renews Calls for Better Policies."

[117] Trombley, "Tuition Is Rising as States Face Budget Difficulties"; Mary Beth Markelin, "Public Universities Raise Tuition, Fees—and Ire," *USA Today* Aug. 7, 2002, <http://usatoday.com/news/education/2002-08-07-universities_x.htm>; David W. Breneman, "For Colleges, This is Not Just Another Recession," *Chronicle Review*, June 14, 2002, p. B7.

[118] Peter Schmidt, "Prepaid Tuition Plans: Popularity and Peril," *Chronicle of Higher Education*," June 21, 2002, p. A22.

[119] Justin Blum, "Virginia Increases Price of Prepaid Tuition," *Washington Post*, Dec. 1, 2002, p. C3.

Conclusion

Since 1965, financial aid has enabled millions of students to further their education at postsecondary institutions. Unfortunately, in recent years the purchasing power of financial aid has declined, causing many middle-class families to struggle with college costs and decreasing college attendance of children from low-income families. In addition to the widening gap between middle- and low-income students attending institutions of higher education, several states have implemented merit-based programs that award scholarships for academic performance. One disadvantage of merit-based programs is that they siphon already limited funds away from need-based programs and benefit students who already can afford college. These programs have raised concerns in the civil rights community because changes in how financial aid and merit-based scholarships are distributed have had a detrimental effect on minority and disadvantaged students. Finally, state budget crises, cutbacks in appropriations to higher education, and the steps taken by colleges to deal with revenue loss further limit college access and affordability.

CHAPTER 6

The Road to Diversity: Percentage Plans Plus

In April 2000, the Commission reported it was "deeply concerned" about the effect of percentage plans on minority enrollment.[1] Following this examination, concerns remain. Percentage plans have supplanted affirmative action admissions policies in Texas and Florida. In California, pre-existing percentage plans have been modified as a result of a ban on race considerations in admissions. This study demonstrates that percentage plans as they are currently administered will not alone foster diversity in higher education or transcend the inequalities that exist in public education. Although a component of Florida's education initiative addresses the need to improve public education, this movement has not gained adequate momentum. In fact, across all three states, percentage plans have failed to increase the proportions of minority students in higher education at the earliest stage of admissions (high school eligibility) and the latest (college enrollment).

Percentage plans have emerged against a backdrop of resistance to affirmative action. Across the country affirmative action in higher education has been and continues to be legally challenged on many fronts. For example:

- States affected by the Fifth Circuit court decision in *Hopwood v. Texas* (Texas, Louisiana, and Mississippi) are prohibited from considering race in admissions, financial assistance, and retention programs.
- The states of California, Florida, Washington, and Georgia have eliminated the consideration of race in admissions policies, and in other jurisdictions scholarships targeting minority groups have been abolished.
- So-called soft affirmative action programs such as outreach, recruitment efforts, financial aid, and academic support, which play a significant role in making education accessible to minorities, are also coming under legal scrutiny. Thus, colleges are being forced to replace the methods by which they identify and offer admission to minority and women students so that they do not use race, gender, or ethnicity as criteria.

Traditional affirmative action admissions policies have furthered the goal of equal access to education nationwide, but disparities in enrollment remain and will persist as states retreat from such policies. For example, black and Hispanic students are more likely to be accepted in two-year programs and second-tier four-year institutions. Minority students also tend to be older than other students, in part because of employment or other factors that prohibit full-time attendance. The underrepresentation of minorities in graduate and professional schools, particularly African Americans and Hispanics, has been a perennial problem in higher education that race-conscious

[1] *See* U.S. Commission on Civil Rights, *Toward an Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?* April 2000.

affirmative action had begun to address but had not yet resolved. Although progress had been made, affirmative action policies had not completely brought black and Hispanic students into undergraduate, graduate, or professional higher education programs in parity with their representation in society. Efforts to correct these problems should have been the concern of federal and state governments before further bans on affirmative action were considered.

The three states, California, Texas, and Florida, that have implemented percentage plans automatically admit to state schools students who rank within an established percentage of their high school graduating class. Analysis of admissions in these states reveals that no significant improvement has been made in the rates of minority enrollment at the undergraduate or graduate/professional levels, and in many cases, rates have declined. Specifically:

- California's ban on the use of race in admissions decisions resulted in a decrease in the proportion of black, Hispanic, and Native American students enrolled in state research universities, at both the undergraduate and graduate/professional levels. While the implementation of a 4 percent plan in 2001 led to a small increase in minority enrollment, pre-ban rates have not been restored. Furthermore, in the year after affirmative action admissions practices were abolished, the University of California's two premier campuses (UCLA and Berkeley) reported lower numbers of black and Hispanic students, despite that both campuses received more minority applications from students with stronger academic credentials than they had in previous years.
- Immediately following the *Hopwood v. State of Texas* decision in 1996, black and Hispanic enrollment at the University of Texas-Austin decreased. While the state percentage plan resulted in an increase in minority enrollment in its initial years, this progress was short-lived. In the fourth year of the plan, the numbers of both black and Hispanic students decreased, with the reduction most pronounced among black students. The same trend is evident at the state's premier law and medical schools.
- When Florida implemented its 20 percent plan, an increase in minority enrollment in the state university system was anticipated. However, the heavy reliance on class ranks for college admission had a negative effect on African American students, who are disadvantaged from the beginning of the admissions process. In addition, black and Hispanic students remain underrepresented in two of Florida's most selective universities compared with their proportions among high school graduates. Finally, while total minority graduate enrollment increased in the state university system (SUS), black and Hispanic graduate students are underrepresented at the state's premier research institution, the University of Florida, relative to their presence in SUS. The number of new minority law school students also decreased. It is clear that efforts to close the gap between the proportions of racial/ethnic minorities among Florida high school graduates and first-time enrolled students must extend beyond the Talented 20 Program.

It is too early to determine the long-term effects of percentage plans on diversity; however, when making assessments of their effectiveness, longitudinal analyses must be conducted that compare pre-race ban data with subsequent years, as this analysis has done. Comparisons that only analyze data during post-ban years are misleading and do not reveal the magnitude of the effect on minority enrollment. When evaluating the effect of the race ban in California in particular, comparing pre-ban enrollment data with ensuing years does not show the full effect on diversity. The

application and enrollment rates of underrepresented minorities began to decline from the point that the race ban was discussed and announced, years before it was implemented. Thus, minority students most likely will choose not to submit applications in an adverse environment of an affirmative action ban.

This report reveals numerous other drawbacks to overreliance on percentage plans:

- The plans themselves are formulaic and deny admissions officers the ability to select students who have potential that has been overlooked.
- Arguably, students in the top percentages of their high school classes, particularly in high-performing schools, would have been admitted to colleges and universities on merit, without percentage plans.
- Uneven distribution of high-achieving students and high-quality schools unfairly affects percentage plan admissions, unless factors other than class rank are also considered. High-performing students in competitive schools who do not qualify under percentage plans compete for a limited number of remaining seats. Similarly, high-achieving students who fail to fall within the percentage limits at one high school might easily have qualified at an inferior school across town or one that had fewer high-achieving students. Many such students would have been eligible for admission under former affirmative action programs or traditional admissions standards.
- Percentage plans run the risk of admitting students who reach eligibility requirements, but do so in failing schools, and thus are not academically prepared for college. Therefore, states must provide academic support before and during enrollment.
- Percentage plan programs deny admissions to students from low-performing schools who do not have college preparatory credentials or academic prerequisites. To be assessed fairly, these students require profile assessments or comprehensive reviews to determine potential. While the three states have alternative pathways for admission, they have not been successful at reaching such students. For instance, in Florida, while 10 percent of students can be admitted through profile assessment, in practice only 3 percent of students gain admission in this manner.

If more states ignore the negative impact on minority students and adopt percentage plans, progress made as a result of decades of affirmative action will be undone, and minority enrollment will decline even further. To stop the erosion of minority enrollment brought about by such plans, if implemented, they must be supplemented with other programs.

In each of the three states examined, institutions subject to percentage plans should increase the number of first-time students admitted through profile assessments, provide rigorous academic and counseling support, and track academic performance. Further, states should expand financial support to universities for outreach activities. Statewide initiatives must also be developed and implemented to improve the admission rates of the more vulnerable minority groups to graduate, law, and medical schools. States, university systems, and individual institutions must rigorously monitor minority admission rates and enrollment patterns in graduate and professional schools. Future reviews of the percentage plan must draw on the expertise of the higher education community.

Thus, this analysis reveals that percentage plans will only have a positive effect if affirmative action and other supplemental recruitment, admissions, and academic support programs remain in place. A model percentage plan would include the outreach innovations of the University of California system, the school choice built into Texas' plan, and a focus on improving K–12 education, as is the case in the Florida initiative. This is perhaps the most critical element in the current era of education reform. The One Florida Equity in Education Initiative's second component, improving public education, has the potential to play a pivotal role in reducing the admissions gap and is well worth emulating by other states. It is apparent that opportunities in elementary and secondary schools have important influence on access to college.

Even in states that do not have percentage plans, the admissions process itself must be reevaluated and repaired where necessary. Traditional tools, such as the SAT and ACT, whose use as success predictors has long been questionable, are already being replaced at some institutions. Nonacademic criteria such as athletic ability and having alumni parents have historically been factors in admissions decisions and help faculty to evaluate more of what the student brings. More schools must move toward comprehensive admissions evaluations in which life experiences, academic opportunities, and extracurricular activities determine achievement potential.

The federal government must continue its efforts to reach socially and economically disadvantaged students. Key initiatives such as TRIO programs and financial aid have helped low-income and disadvantaged students who otherwise would not have been able to attend or afford college. However, because of geographic and budget limitations, TRIO only serves less than 7 percent of eligible students. Minorities still tend to cluster in lower income levels, and thus the availability of financial aid is fundamental to access. Tuition increases, higher expectations for family contributions, stagnant need-based funding levels, and increased emphasis on merit-based programs are negatively affecting minority enrollment. State budget crises and corresponding cutbacks on appropriations to colleges and universities and the steps taken by colleges to recover revenue loss further limit access and affordability. The federal government must fortify TRIO funding and federal financial aid programs because many disadvantaged students continue to have unmet financial needs.

Numerous model programs exist that help equal out disparities in education and afford disadvantaged students opportunities to gain admission to colleges and universities. More collaborative efforts must be made on the part of colleges and universities, school districts, educators, and local, state, and federal policymakers.

Federal, state, and local governments must also establish partnerships with private organizations and fortify those that already exist. Private sector companies are realizing the economic necessity of a diverse workforce, yet the nation's colleges and universities are failing to develop a future workforce that reflects changing demographics. According to one observer, "at stake . . . is America's competitive edge in an increasingly global marketplace with a customer base that is increasingly nonwhite."[2] Thus, diversifying higher education is not only a matter of fairness, but also a matter of economic self-interest—for the student, the institution, and the economy. Global economic, political, and social competitiveness depends on equal educational opportunity for all Americans.

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[2] Sara Terry, "Workplaces Diversify, Then Eye Corner Office," *Christian Science Monitor*, June 3, 2002, p. 20.

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